

Journal of the  
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# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES 1977 Session December 1, 1976 to June 29, 1978

GEORGE B. ROBERTS, JR.  
SPEAKER

JAMES A. CHANDLER  
CLERK

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# HOUSE JOURNAL 1

*Wednesday, 1 Dec 76*

The House met at noon.

On the first Wednesday in December in the year of our Lord, one thousand nine hundred and seventy-six, being the day designated by the Constitution for assembling of that body, the one hundred and forty-fifth General Court of the State of New Hampshire convened at the Capitol in the City of Concord, the representatives-elect were called to order by James A. Chandler, Acting Clerk of the House for the preceding session.

Prayer was offered by Rev. Milton L. Smith, Sr.

Good afternoon God. Thank You for the gifts of life, time, talents, the power to choose and understand, and with these gifts, the privileges and responsibilities of this day. We're glad to be alive for in spite of all life's difficulties and problems we would rather be alive than dead. How to be alive? ALIVE!

It is written: "When I was a child I spoke and thought and reasoned as a child does. But when I became a mature person my thoughts grew far beyond those of my childhood, and now I have put away childish things." (I Cor. 13:11 Living Bible) Dear God, call us above and beyond childish ways. Guide and lead us in Thy paths as mature persons. Our beloved state and people and the times we live in require leadership with such commitment. God Bless us, each and everyone. Amen!

Representative-elect Parr led the Pledge of Allegiance.

## CALL OF THE ROLL

### BELKNAP COUNTY

- Dist. 1 Robert P. Ambrose, r; Marshall French, r; Robert M. Lawton, r;
- Dist. 2 Wilson S. Mansfield, r; Norman C. Marsh, r;
- Dist. 3 Barbara B. Bowler, r; Kenneth A. Randall, r;
- Dist. 4 George B. Roberts, Jr., r & d; Jane F. Sanders, r;
- Dist. 5 Charles W. Beard, r; Michael C. Hanson, r; Ralph J. Morin, r; James W. Murray, r;
- Dist. 6 Gary S. Dionne, d; Maurice J. Coyette, d; Peter C. Hildreth, d & r; Fritz T. Sabbow, d;

### CARROLL COUNTY

- Dist. 1 Donalda K. Howard, r;
- Dist. 2 Howard C. Dickinson, Jr., r; M. Susan Found, r & d; Clayton W. Towle, r;
- Dist. 3 Raymond K. Conley, Jr., r; Kenneth C. Smith, Sr., r & d;
- Dist. 4 Russell G. Claflin, r; Kenneth J. MacDonald, r & d;

- Dist. 5 Roderick Allen, r; George D. Keller, r;

### CHESHIRE COUNTY

- Dist. 1 Robert L. Galloway, r; James B. Hogan, r; Robert W. Moore, Jr., r;
- Dist. 2 Robert C. Callahan, r;
- Dist. 3 William H. Faucher, d & r; Elmer L. Johnson, r; Elizabeth R. Ladd, r;
- Dist. 4 Daley E. Whipple, r & d;
- Dist. 5 Augustine J. Marshala, r; Margaret A. Ramsay, d & r;
- Dist. 6 William R. Matson, d;
- Dist. 7 Armas W. Fillback, r;
- Dist. 8 Anne B. Gordon, r; Stephen H. Krause, r;
- Dist. 9 Irvin H. Gordon, r & d;
- Dist. 10 Peter Parker, Jr., r;
- Dist. 11 Daniel A. Eaton, d;
- Dist. 12 William F. Lynch, d; Zoe Vrakatitsis, r;
- Dist. 13 Francis A. Dostilio, d; Patricia T. Russell, d;
- Dist. 14 Nancy J. Proctor, d; Terry L. Wiggins, d & r;
- Dist. 15 Thomas H. Chase, r & d; Elmer H. Close, r; Thomas C. Slack, r & d;
- Dist. 16 Andrea A. Scranton, r; Joan E. Terry, d;

### COOS COUNTY

- Dist. 1 Bradley Haynes, r; Harry F. Huggins, r & d; Marguerite H. Wiswell, r;
- Dist. 2 Roger L. Hunt, d & r
- Dist. 3 Lynn C. Horton r & d; Edward C. Willey, Jr., r;
- Dist. 4 Harold W. Burns, r; Mabel L. Richardson, r;
- Dist. 5 George H. Keough, r;
- Dist. 6 Guy J. Fortier, d; Alcide E. Valliere, d;
- Dist. 7 Richard A. Patenaude, d; Elmer H. York, d;
- Dist. 8 James B. Cooney, d; George E. Lemire, d & r;
- Dist. 9 Richard L. Poulin, d; Romeo J. Theriault, d;

### GRAFTON COUNTY

- Dist. 1 Ira E. Allen, r; Rita C. McAvoy, r; Kathleen W. Ward, r;
- Dist. 2 George H. Cate, r;
- Dist. 3 Anthony Pepitone, r;
- Dist. 4 Fred W. Snell, r & d;
- Dist. 5 W. Murray Clark, r & d; Betty Jo Taffe, r & d;
- Dist. 6 Paul I. LaMott, r; Ezra B. Mann, II, r & d;
- Dist. 7 Glyneta B. Thomson, r & d;
- Dist. 8 Myrl R. Eaton, r; Carol Stomberg, d; Michael S. Woodard, d;
- Dist. 9 Harold V. Buckman, r; Malcolm Taylor, r;
- Dist. 10 John K. Gemmill, r & d;
- Dist. 11 Robert W. Dearborn, r; Neil F. McIver, r & d;
- Dist. 12 Bruce C. Rounds, r;
- Dist. 13 Mary P. Chambers, d; Marion L. Copenhaver, d; Michael R. Cornelius, d; Elizabeth L. Crory, d;
- Dist. 14 Frederick C. Aldrich, r; Roger M. Duhaime, d; Ralph Degnan Hough, r; James L. Logan, r; Madeline G. Townsend, r.

## HILLSBOROUGH COUNTY

- Dist. 1 Leigh D. Bosse, r; Joseph M. Eaton, r; Howard S. Humphrey, Sr., r;  
 Dist. 2 John B. Corser, Jr., r;  
 Dist. 3 John B. Morgan, r; Fred E. Murray, r;  
 Dist. 4 Theodore H. Karnis, r;  
 Dist. 5 Clyde S. Eaton, r; Philip C. Heald, Jr., r; Henry B. Richardson, r;  
 Dist. 6 John P. Arnold, r;  
 Dist. 7 Harold E. Thomson, r;  
 Dist. 8 Alice Tirrell Knight, r; Jo Ellen Orcutt, d; Aime H. Paradis, r; Arnold B. Perkins, r; Robert W. Wheeler, d;  
 Dist. 9 Mark Connolly, r; Marjorie Y. Peters, r; Anna A. Van Loan, r;  
 Dist. 10 Joanne C. Head, r & d; Josephine C. Martin, r & d; M. Arnold Wight, Jr., r;  
 Dist. 11 Roscoe N. Coburn, r; Salvatore P. Grasso, r; Cort Hansen, r; Emma B. Wheeler, r;  
 Dist. 12 Webster E. Bridges, Jr., r; Dorothy F. Colson, r;  
 Dist. 13 Minnie F. Carswell, r; Nancy R. Gagnon, r; Guy R. Granger, Jr., r; Elaine T. Lyons, r; Geraldine G. Watson, r;  
 Dist. 14 George H. Baker, Sr., d; John M. Bednar, d; Gail C. Morrison, r; Andrew J. Polak, d; Leonard A. Smith, r;  
 Dist. 15 Philip R. Currier, r; Claire Plomaritis, d; Henry J. Seamans, Sr., r;  
 Dist. 16 Lawrence G. McLaughlin, r; Jean R. Wallin, d;  
 Dist. 17 Gerald E. Miller, r; Louis D. Record, Jr., r; Judith M. Stahl, r; Thomas Stylianos, r;  
 Dist. 18 Ruth Nemzoff-Berman, d; Thomas J. Pappas, d; Kevin F. Sullivan, r;  
 Dist. 19 Margaret S. Cote, d; Wilfred Pelletier, d; Cecelia L. Winn, d; John T. Winn, d;  
 Dist. 20 Rudolph V. Aubut, d; William A. Desmarais, d; Henry J. Lachance, d;  
 Dist. 21 L. Penny Dion, d; Gabrielle V. Gagnon, d; James Kaklamanos, d; Margaret L. McGlynn, d;  
 Dist. 22 Wilfrid A. Boisvert, d & r; Raymond L. Dupont, d; Maurice J. Levesque, d; Roger E. Wallace, d;  
 Dist. 23 Edmund M. Keefe, r; Judith M. St. George, d; John W. Sing, d;  
 Dist. 24 Sharon E. Brody, d; Ernest R. Coutermarsh, d; Francis J. Madigan, d;  
 Dist. 25 Forsaith Daniels, r; Thomas W. Hynes, r; Eleanor P. Podles, r;  
 Dist. 26 Richard F. Ahern, d; Catherine-Ann Day, d; Paul J. Riley, r; James P. Shea, d;  
 Dist. 27 Peter J. Coughlin, d; Theodora P. Nardi, d; Chris Spirou, d; James J. White, d;  
 Dist. 28 Rita M. Brack, d; Joseph L. Cote, d; William J. Cullity, d; John L. Welch, d;  
 Dist. 29 William F. Barrett, d; Daniel J. Healy, d; William J. McDonough, Jr., d; Andre J. Simard, d;  
 Dist. 30 Edward J. Crotty, d; Dorothy J. Drowniak, d; William M. Gardner, d; Gary A. Girolimon, d;  
 Dist. 31 John F. Clancy, d; David L. Gelinas, d; Emile A. Marcoux, d;  
 Dist. 32 Thomas M. LaFleur, d; Dortha M. O'Neil, d; George A. Soucy, d;  
 Dist. 33 John A. Burke, d; Kerry K. O'Connor, d; Timothy K. O'Connor, d; Louis J. Ziakas, Sr., d;  
 Dist. 34 Gerard H. Belanger, d; Albert J. Bellemore, Jr., d; Edward F. Smith, d; James A. Sweeney, Jr., d;  
 Dist. 35 Arline L. Dion, d; Catherine G. Lamy, d; Louis P. LaPlante, d; Armand R. Lemire, d;  
 Dist. 36 Leo R. Bernier, d; Roland R. Boucher, d; Roland D. Martineau, d; James A. Normand, d;

## MERRIMACK COUNTY

- Dist. 1 James L. Foley, r; William F. Kidder, r;  
 Dist. 2 James V. Bibbo, Jr., r;  
 Dist. 3 John P.H. Chandler, Jr., r; Susan W. Pelton, d;  
 Dist. 4 David B. Packard, r; Irene J. Shepard, r;  
 Dist. 5 Richard D. Hanson, r; Bernadette O. McNichol, r;  
 Dist. 6 Laurent J. Boucher, r; Judith Ann Hess, r; Doris J. Riley, d;  
 Dist. 7 Edgar G. Bellerose, d; Mark M. Bodi, d; Ovila Gamache, d; Robert E. Plourde, d;  
 Dist. 8 Kenard F. Ayles, r; Kenneth E. Stockman, r;  
 Dist. 9 John O. Cate, r; Edwin L. Waters, r;  
 Dist. 10 Donna T. MacIvor, r; George R. Mullin, d; Doris L. Thompson, r;  
 Dist. 11 James A. Humphrey, r;  
 Dist. 12 Arthur H. LaBonte, Sr., d;  
 Dist. 13 Eugene S. Daniell, Jr., d; Katharine J. Ralph, d; Stuart B. Trachy, r;  
 Dist. 14 Milton A. Cate, r; Steven A. Stefanides, d;  
 Dist. 15 Polly B. Johnson, r; Robert J. Watson, d;  
 Dist. 16 Susan McLane, r; Max D. Wiviott, r;  
 Dist. 17 G. Robertson Blakeney, Jr., d; Kenneth M. Tarr, d;  
 Dist. 18 Arthur W. Perkins, r; Wayne S. Rich, r;  
 Dist. 19 Maura Carroll, d; Ernest J. Valliere, r;  
 Dist. 20 Harold L. Rice, d; R. Peter Shapiro, r;  
 Dist. 21 Gerald R. Smith, r;

## ROCKINGHAM COUNTY

- Dist. 1 Roger C. King, r; John H. Stimmell, r;  
 Dist. 2 Richardson D. Benton, r & d; Roy W. Davis, r & d; Helen F. Wilson, r & d;  
 Dist. 3 William P. Boucher, r; Robert H. Day, r & d; Peter C. Gaskill, r; Juanita E. Kashulines, r; Patricia M. Skinner, r;  
 Dist. 4 Ernest P. Barka, r & d; Kenneth M. Bisbee, r; Kenneth H. Gould, r; Virginia K. Lovejoy, r; Conrad L. Quimby, r; Robert J. Stratton, r & d;

- Dist. 5 Marilyn R. Campbell, r; James W. Carpenito, d; Michael A. Collins, d; Grace L. DeCesare, d; Beverly A. Gage, r; Elizabeth E. Goff, d; Michael L. Grieco, d; Beatrice M. Laycock, d; Joseph L. Parolise, d; Phyllis J. Pucci, d; Alfreda A. Smith, d;
- Dist. 6 D. Ronald Cutcliffe, r; Natalie S. Flanagan, r & d; Clarence L. Webster, r;
- Dist. 7 Charles Everett Cummings, r; Bonnie L. Danforth, r;
- Dist. 8 Ralph L. Blake, r; Robert C. Erler, r; John Hoar, Jr., r;
- Dist. 9 Leonard F. Sanborn, r; Annie Mae Schwaner, r; K. Michael Tavitian, r; Robert A. Vlack, r;
- Dist. 10 Ralph E. Nelson, r; Myrtle B. Rogers, r;
- Dist. 11 Charles H. Felch, Sr., r; Anthony T. Randall, r;
- Dist. 12 Oliver H. Akerman, r; Wilfred R. Cunningham, r; Stephen C. Dunfey, d; Ashton J. Norton, r; Ednapearl F. Parr, r;
- Dist. 13 Douglas J. Aller, r; Carl W. Gage, r; Barbara T. Ganley, d; John J. Kane, r; Richard F. Niebling, d;
- Dist. 14 Patricia J. Blanchette, d; Edward J. Wojnowski, d;
- Dist. 15 Frederick A. Chapman, r; W. Douglas Scamman, Jr., r; Franklin G. Wolfesen, r;
- Dist. 16 Richard I. Ellis, r; Frank F. Richards, r;
- Dist. 17 Meliss A. Appel, r; Elizabeth A. Greene, r; Margaret M. Hartford, r;
- Dist. 18 Lea H. Aeschliman, d; Ralph C. Maynard, d;
- Dist. 19 Ruth L. Griffin, r; James R. Splaine, d;
- Dist. 20 Mary E. Cotton, d; Joseph A. MacDonald, d; Joseph A. McEachern, d;
- Dist. 21 Thomas P. Connors, Sr., d; Michael J. O'Keefe, d;
- Dist. 22 Elaine S. Krasker, d; Joyce R. Zabarsky, d;
- Dist. 23 Bruce R. Rossley, d & r;

## STRAFFORD COUNTY

- Dist. 1 Victor J. Joos, Sr., d & r;
- Dist. 2 Ethel M. Canney, r; Walter T. Lefavour, r; Wilfred B. Osgood, r;
- Dist. 3 Donald H. Smith, r;
- Dist. 4 James O. Horrigan, d; Everett B. Sackett, r; Joan M. Schreiber, d; Sarah P. Voll, d;
- Dist. 5 Grace L. Joncas, d;
- Dist. 6 Helen Maloomian, d;
- Dist. 7 Richard D. Morrisette, d;
- Dist. 8 Shirley J. White, d;
- Dist. 9 Roland N. Hebert, d;
- Dist. 10 George A. Nadeau, d;
- Dist. 11 James E. Appleby, r; Allen P. Wilson, d;
- Dist. 12 James A. Burchell, d; Charles W. Grassie, Jr., d;
- Dist. 13 Dennis C. Ramsey, d & r; Alfred J. Ruel, d;
- Dist. 14 Walter J. Desmarais, d; Paul G. Meader, r;

- Dist. 15 Howell F. Preston, r; J. Thornton Tripp, r;
- Dist. 16 Dianne L. Burns Herchek, d & r; James C. Herchek, d & r;
- Dist. 17 Helene R. Donnelly, d & r; George Maglaras, Jr., d & r
- Dist. 18 William K. Kincaid, d; Roderick H. O'Connor, d & r;
- Dist. 19 George M. Kelly, d; Janet B. Torrey, r;
- Dist. 20 Leo E. Lessard, d & r; Iris Valley, r;
- Dist. 21 Roland E. Belhumeur, d; Bruce R. French, d;

## SULLIVAN COUNTY

- Dist. 1 Sara M. Townsend, r & d
- Dist. 2 George A. Barrus, r;
- Dist. 3 Sim R. Gray, d; Donald H. LeBrun, d;
- Dist. 4 Alton G. Desnoyer, d; Roma A. Spaulding, r; John B. Tucker, r;
- Dist. 5 Robert J. Brodeur, d; Adolph J. Burrows, d & r; Carmine F. D'Amante, d;
- Dist. 6 Alexander P. Lewko, r; Jesse W. Scott, r;
- Dist. 7 Martha McD. Frizzell, r; Walter H. Palmer, r;
- Dist. 8 George I. Wiggins, r;
- Dist. 9 Mildred S. Ingram, r;

389 members having answered the call of the roll, a quorum was present.

## LEAVES OF ABSENCE

Rep.-elect George Healy, the day, important business.

Reps.-elect Marshall French and Spiroou moved that the Acting Clerk appoint a committee of five to wait upon the Governor. Adopted.

The acting Clerk appointed Reps.-elect Daniell Healy, Frizzell, Fortier, D'Amante and Coutermarsh, and the committee retired to attend to its duties.

His Excellency, the Governor, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Council, and the above-named ladies and gentlemen, having presented their credentials, were duly qualified by His Excellency as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

Reps. Roberts and Marshall French offered the following:

## RESOLUTION

WHEREAS, James H. Hayes of Concord, Executive Councilor for the Second District, is completing his ninth consecutive and final term as a member of that body, and

WHEREAS, those eighteen years are the most ever served by a councilor since New Hampshire adopted its Constitution in 1784, and

WHEREAS, no member of that council has ever been more the epitome of the dedicated servant of the public, and



WHEREAS, his service to the citizens of this state include a term in this House; therefore, "Red" can be claimed as one of ours, now therefore be it

RESOLVED, by the House of Representatives, that James H. Hayes be commended for his selfless dedication as the people's representative in the administration of state government, and be it further

RESOLVED, that his fairness, patience, judgment and especially his sense of propriety, should stand as a model for all those who serve the people, and be it further

RESOLVED, that a suitable copy of these resolutions be prepared for presentation to him.

Resolution unanimously adopted.

Councilor James Hayes addressed the House briefly.

His Excellency the Governor and the Council retired.

Rep. Bridges nominated Walter Peterson as temporary chairman.

Rep. Griffin seconded the nomination.

Rep. Chambers nominated Richard Bradley as temporary chairman.

Rep. Elmer Johnson seconded the nomination.

Rep. Tucker moved that nominations be closed and that election of temporary chairman be by open roll call vote and spoke to his motion.

Reps. Coutermarsh, Roderick Allen, Bednar and Elmer Johnson spoke against the motion.

Reps. Lawton and Lyons spoke in favor of the motion.

Rep. Chambers moved the previous question. Sufficiently seconded. Adopted.

Rep. Marshall French requested a roll call on the motion by Rep. Tucker. Sufficiently seconded.

#### ROLL CALL

YEAS 171 NAYS 215

YEAS 171

BELKNAP: Ambrose, Beard, Marshall French, Lawton, Mansfield, Marsh, Morin, Kenneth A. Randall, Roberts and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Close, Fillback, Galloway, Anne B. Gordon, Irvin Gordon, Hogan, Ladd, Marshala, Moore, Scranton, Vrakatitsis and Whipple.

COOS: Burns, Horton, Keough, Mabel Richardson, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Madeline Townsend and Ward.

HILLSBOROUGH: Bridges, Colson, Forsaith Daniels, L. Penny Dion, Howard Humphrey, Hynes, Keefe, Knight, Lyons, Martin, McLaughlin, Miller, Morgan, Fred Murray, Paradis, Arnold Perkins, Peters, Podles, Record, Henry Richardson, Paul Riley, Simard, Leonard Smith, Stahl, Stylianos, Harold Thomson, Van Loan, Geraldine Watson, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, McLane, Packard, Arthur Perkins, Rich, Shapiro, Gerald Smith, Stockman, Doris Thompson, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Douglas Aller, Appel, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Chapman, Cummings, Cunningham, Cutcliffe, Davis, Robert Day, Ellis, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Gould, Greene, Griffin, Hartford, Kane, Kashulines, King, Lovejoy, Nelson, Norton, Parr, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Canney, Lefavour, Meader, Osgood, Preston, Donald Smith, Torrey and Tripp.

SULLIVAN: Barrus, Frizzell, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

#### NAYS 215

BELKNAP: Bowler, Gary Dion, Goyette, Michael Hanson, Hildreth, James Murray and Sabbow.

CARROLL: Roderick Allen, Found and Kenneth Smith.

CHESHIRE: Chase, Dostilio, Daniel Eaton, Faucher, Elmer Johnson, Krause, Lynch, Matson, Parker, Proctor, Margaret Ramsey, Russell, Slack, Terry and Terry Wiggins.

COOS: Cooney, Fortier, Haynes, Huggins, Hunt, George Lemire, Patenaude, Poulin, Theriault, Alcide Valliere and York.

GRAFTON: Buckman, Chambers, Clark, Copenhagen, Cornelius, Crory, Stomberg, Taylor, Glynetta Thomson and Michael Woodward.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Bellemore, Bernier, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Brody, Burke, Carswell, Clancy, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Salvatore Grasso, Cort Hansen, Head, Heald, Daniel

Healy, Kaklamanos, Karnis, Lachance, LaFleur, Lamy, LaPlante, Armand Lemire, Levesque, Madigan, Marcoux, Martineau, McDonough, McGlynn, Morrison, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Plomaritis, Polak, St. George, Seamans, Shea, Sing, Edward Smith, Soucy, Spirou, Sullivan, Sweeney, Wallace, Wallin, Welch, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Eugene Daniell, Foley, Gamache, LaBonte, Donna MacIvor, McNichol, Mullin, Pelton, Plourde, Ralph, Rice, Doris Riley, Shepard, Stefanides, Tarr, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Douglas Aller, Blanchette, Carpenito, Collins, Connors, Cotton, Danforth, DeCesare, Dunfey, Carl Gage, Ganley, Goff, Grieco, Hoar, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, O'Keefe, Parolise, Pucci, Rossley, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lessard, Maglaras, Maloomian, Morrisette, Nadeau, Roderick O'Connor, Dennis Ramsey, Ruel, Sackett, Schreiber, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Gray, LeBrun and George Wiggins, and the motion failed.

Rep. Spirou moved that nominations for temporary chairman be closed and the vote be by secret ballot.

Rep. Bridges offered an amendment.

#### AMENDMENT

Add to the Spirou motion the phrase, that all other officers also be elected by secret ballot.

Rep. Tucker spoke in favor of the amendment.

Amendment adopted.

The Acting Clerk appointed Reps. Bridges, Griffin, Tucker, Lyons, Cecelia Winn, Lamy, James Herchek and Cotton as tellers.

The vote was by secret ballot and the results were as follows:

Richard Bradley	187
Walter Peterson	189
David Bradley	5
Blank	1

The Acting Clerk ruled that all ballots marked Peterson were for Walter Peterson, all ballots marked Bradley were for Richard Bradley and that the five ballots marked David Bradley were not for Richard Bradley.

Rep. Plourde appealed the ruling of the Acting Clerk.

Rep. Roberts requested a division on the appeal.

The Acting Clerk appointed Reps. Milton Cate, Coutermarsh, Frizzell, Richard Hanson and Close as tellers in Divisions 1 - 5 respectively.

Question being on the Plourde appeal. 185 members having voted in the affirmative and 195 in the negative, the appeal lost.

The Acting Clerk introduced former Rep. Richard Bradley who addressed the House under unanimous consent.

Mr. Richard Bradley requested his name be withdrawn for nomination as temporary chairman.

Rep. Spirou moved to make the vote for Mr. Peterson unanimous.

Rep. Marshall French seconded the motion.

Adopted.

The Acting Clerk appointed Reps. Marshall French and Spirou to escort Mr. Peterson to the rostrum.

#### RECESS

(Mr. Peterson in the Chair)

Rep. Marshall French moved that the House now proceed with the election of a Speaker, Clerk, Assistant Clerk and Sergeant-at-Arms and spoke to his motion.

Rep. Plourde moved to amend the motion as follows:

#### AMENDMENT

Strike out all and replace with:  
RESOLVED, that the House is ready to meet with the Honorable Senate in Joint convention for the purpose of electing a Secretary of State and State Treasurer.

The Acting Clerk read the amendment in full.

Rep. Plourde spoke in favor of his amendment.

Reps. Tucker, Parr and Richard Hanson spoke against the Plourde amendment.

Reps. Coutermarsh and John Winn spoke in favor of the Plourde amendment.

Rep. Marshall French moved that the Plourde amendment be laid upon the table.

The Chair ruled that the motion was out of order at this time but the member would be recognized at a later time.

Rep. Plourde spoke a second time.

Rep. Marshall French moved that the Plourde amendment be laid upon the table and requested a division.

The Chair appointed Rep. Chandler to act as teller for Div. 5 in the absence of Rep. Close.

193 members having voted in the affirmative, and 180 in the negative, the Plourde amendment was laid upon the table.

Rep. Bednar moved that all nominees for all offices be printed on one ballot and be voted on at one time.

Rep. Tucker spoke in favor of the motion.

Rep. Spirou spoke against the motion.

Rep. Bednar spoke to his motion.

Rep. Tucker spoke a second time to the motion.

Rep. Parr moved the previous question. Sufficiently seconded. Adopted.

Rep. Maynard requested a division.

It being manifestly in the affirmative, the motion carried.

The Chair declared nominations open for all House officers.

Rep. Coutermarsh placed the name of Rep. Spirou in nomination for Speaker.

Rep. Marshall French placed the name of Rep. Roberts in nomination for Speaker.

Reps. Griffin and Scamman seconded the nomination of Rep. Roberts.

There being no further nominations, the Chair declared nominations closed.

Rep. Stimmell placed the name of James A. Chandler in nomination for Clerk of the House.

Rep. Patricia Russell placed the name of William L. Damour in nomination for Clerk of the House.

Reps. Chandler and Lessard seconded the nomination of Mr. Damour.

There being no further nominations, the Chair declared nominations closed.

Rep. William Boucher placed the name of Carl Peterson in nomination for Assistant Clerk of the House.

Rep. Skinner seconded the nomination of Mr. Peterson.

There being no further nominations, the Chair declared nominations closed.

Rep. James Humphrey placed the name of Warren W. Leary in nomination for Sergeant-at Arms.

There being no further nominations, the Chair declared nominations closed.

The results were as follows:

For Speaker of the House, 378 votes cast with one blank ballot.

Rep. Roberts	207
Rep. Spirou	159
Rep. Currier	6
Rep. Scamman	4
Rep. K. Smith	2

Rep. Roberts' total being in excess of the required majority, the Chair declared him elected Speaker of the House.

(Speaker in the Chair)

Rep. Roberts addressed the House as follows:

Fellow members of the New Hampshire House of Representatives:

First, I am honored and grateful for the opportunity to serve you once again as your Speaker.

This is not an office one can aspire to and hold without the support of a great many people. Two years ago, I thanked my family for their support, and now that they know exactly what the job means, I want to thank them again.

I want to thank those of you who today expressed your confidence - both the returning members who know my record first-hand, and those who, to a certain extent, can only know me by my statements and have to take my candidacy on trust.

Because of a Constitutional change, this legislature, elected in the Bicentennial year, will have, for the first time, an extra month to do all the organizational and committee work necessary to get ready for the first committee hearings in January.

The first responsibility of your House officers is to serve you, the members. There have been many misleading comments in recent weeks - many of you have heard them - about the so-called "powers of the Speaker." Over the years, every democratic institution has found it necessary to delegate certain authority to its elected leaders - not only so that the business of legislative bodies can be done effectively, but so that it can be done at all. Every single Speaker who has presided over this House has worked under rules that have not changed much in the last 187 years.

The power of the Speaker will continue to come from the rules that you adopt and the statutes that we have already passed. That authority can be as broad or as narrow as you want to make it.

Your constituents will hold you accountable for the decisions you make here and as your Speaker, I represent you in much the same way. Just as you are responsible to them, I am responsible to you. If I am to be responsible to you, I must be able to act on your behalf. As former California assemblyman and U.S. Representative Jerome Waldie has said, "When you know who exercises power, you can fix responsibility and you can remedy abuses. But when power is so diffused that no one knows who really exercises it or fails to exercise it, there is no remedy."

"Knowledge is power". Much of what I hope we can accomplish together this session has to do with knowledge, with learning how to manage it and to use it effectively.

We need to continue to expand the resources available to us. But we must also learn to make better use of what we already have through improved management techniques. As a result of our efforts, I would like to see the New Hampshire Legislature recreated and revitalized, like many other legislatures in the United States are attempting to do.

For example, the Office of the Legislative Budget Assistant is one of the two agencies that exist to serve the entire legislature the year round, but many people really do not know its function. Until



now, that office has spent most of its time assisting members of the House Appropriations and Senate Finance Committees, but there is no reason why their expertise cannot be provided to the membership at large, to every standing committee and to every study committee.

We took the first step in this direction during the special session when the Legislative Budget Assistant and his experienced staff briefed the bi-partisan House leadership and the committee chairmen on the state's fiscal situation. This briefing was an unqualified success, and I plan to offer it to all members of the legislature on a regular basis so this information can be available to you before you make decisions involving revenues or spending.

In a similar fashion, you will find that the LBA audit staff can be extremely helpful when you are considering the potential effect of legislation on state agencies, and I hope you will not hesitate to request their services.

Improved management techniques are also being used in the Office of Legislative Services. For the first time, their drafting efforts will be coordinated by subject matter. We hope that in this session committees will be receiving bills dealing with the same subject at about the same time.

The Office of Legislative Services is also reorganizing its personnel so that, to the greatest extent possible, each drafter will become an experienced drafter in certain areas of legislation. In this way, the Legislature's legal staff will become more valuable to you and your committees.

These are the types of things I mean when I talk about strengthening the House and strengthening the committees. They are fundamental changes and they are very important ones, for they consist in giving the committees what they need to do a good job. They do not invest more power in the Speaker; they do not change the structure of authority in the House. They really have the reverse effect because they give you the strength and authority and information you need to make decisions. These changes were not initiated singularly by the Speaker, they were undertaken by a management committee of 12 people from both houses making management decisions collectively and on a nonpartisan basis.

As your Speaker, I hope to have your support in expanding our efforts to work more closely with the federal government and with our Congressional delegation. The legislature has kept itself on an oasis for much too long. It cannot continue to make decisions without knowing what effect federal programs have on the programs we initiate. In a similar fashion, Congress and the federal

government have been making decisions on their own oasis, many times not realizing and often not caring about the effect of their decisions on state governments. We want to create much the same relationship with our congressional delegation that we have with our local officials - our selectmen and the people on our school boards. For example, when the reenactment of revenue sharing was in doubt, the bipartisan House leadership called upon our congressional delegation and explained how important this federal program is to our state and to our cities and towns. As your Speaker, I testified on behalf of our state before a congressional committee. Our efforts were successful, and millions of dollars in revenue sharing will continue to flow into the state of New Hampshire as a result.

Improved communications are important in New Hampshire as well as in Washington. Our efforts to command the respect due the Legislature as a co-equal branch of government must not prevent us from working closely, in good humor and in concert with the Executive and Judicial branches of state government.

Nor should we ignore the courtesy due to the State Senate. On your behalf, I shall ask the Senate to consider the early adoption of Joint Rules which, once adopted in the 1975 session, eased the relationship between the two bodies considerably. We owe courtesy to the Senate, but in return we have the right to ask that our bills be treated fairly in the Senate as Senators' bills are treated in the House.

Those proposals, like others I shall make to you from time to time, are all designed to upgrade the legislative process, not to diminish it, not to concentrate power, not to centralize power, but to share the responsibility of this legislature. They cannot be accomplished without your support, and they are put forward today so that you will understand that I care about this House and shall continue to try to make the conditions under which we must work better for all of us.

As legislators, your opportunity to learn is unlimited. I ask only that you take this opportunity seriously. If you are planning to be here for one term only, you owe your constituents your best efforts. If you hope to return here again, and I really hope you do, you also have the chance to become the legislative leadership of the future. In any case, I hope you will become a valuable member of the committee to which you are assigned.

As of this moment, no committee assignments have been made, for two obvious reasons. First, until you adopt rules today, I do not know what the committee titles and jurisdictions will be. Secondly, as I hope all of you know, I make no previous agreements for committee assignments in my campaigns and nobody is authorized to do so for me.

My promises are concerned only with the future of this institution, and not with the future of any one person serving in it, including myself.

I have asked all of you to indicate your committee preferences and you have done that; you have shown your interest and most of you have responded. While every attempt will be made to give each member the committee of his choice, I hope you will understand that this is not always possible. For the sake of the House as a whole, committees must be balanced as to philosophy and experience as well as political affiliation so that each committee is a fair reflection of the make-up of this House.

It is chiefly for these reasons of balance that the Speaker traditionally has the authority, always subject to the will of the House, to appoint committees after consultation with the minority leader. I have already offered to meet with the duly appointed minority leader and plan to do so. I hope you will agree that our committee structure is strengthened by this process, not weakened and not concentrated.

I hope you will be proud of our House of Representatives. I hope you will act to preserve its strengths and grow to appreciate its traditions. You will find that we have our critics, but you will soon learn the important difference between constructive criticism and the carping that is all too frequent in public life.

There is a place in our deliberations for criticism, but there is no place at all for personal attacks on members. My family has been most forbearing in putting up with the untrue, anonymous and vicious attacks on my personal life that were obviously politically motivated by certain special interest groups - from both inside and outside this House. No one in public life should be subject to this sort of cheap smear tactic, and I hope that each and every one of you will reject that sort of activity against any member of the House.

While we are all members of a political family and of a political party, I hope that we will not let political partisanship destroy the fabric of this institution. Some of us are Republicans, some of us are Democrats, but we are all representatives of the people, sent here to get a job done on their behalf. A commitment to party principles is a fine thing, so long as it is applied in a constructive manner. But I hope that you will remember that we were sent here to resolve conflicts, and not to manufacture them.

As your Speaker, I look forward to working with each and every one of you. I look forward to working with the House majority leader and the House minority leaders whomever they may be. My satisfaction will come from your achievements, and if you are successful, that will be enough reward for the long hours that I am prepared to serve on your behalf.

Reps. Spirou and Lawton moved that the Speaker's remarks be printed in the Journal. Adopted.

The Speaker announced the results of the voting for the other House officers.

For Clerk of the House:	
James A. Chandler	201
William L. Damour	179

Mr. Chandler was declared duly elected Clerk of the House.

For Assistant Clerk:	
Carl A. Peterson	344

Mr. Peterson was declared duly elected Assistant Clerk of the House.

For Sergeant-at-Arms:	
Warren W. Leary	340

Mr. Leary was declared duly elected Sergeant-at-Arms of the House.

Mr. Chandler, Mr. Peterson and Mr. Leary were sworn in by the Speaker.

Rep. Marshall French moved that the House adopt, on a temporary basis, the rules of the 1975 session as printed in the 1975 Black Book, with the provisions that amendments may be adopted at the next legislative day or any subsequent day when the House convenes, and spoke to his motion. Adopted.

The Speaker appointed Rep. Spirou minority leader.

The Speaker recommended recessing to the call of the Chair.

Reps. Coutermarsh and Tucker spoke in favor of the recommendation.

#### SENATE MESSAGE

The Senate has organized and elected the following officers:

Senator Alf E. Jacobson	President
Wilmont S. White	Clerk
Milo Cheney	Sgt.-at-Arms
Willard Gowen	Doorkeeper

The Speaker, with expressed consent of the House, recessed to the call of the Chair.

#### RECESS

The House met at 3:00 p.m. on December 2nd.

Prayer was offered by Rev. Milton L. Smith, Sr.

Let us pray: God Bless America, land that I love. Stand beside her and guide her thru the night with a light from above.

From the mountains to the prairies, to the oceans white with foam. God bless America, my home sweet home, God bless America, my home sweet home. (Words and Music by Irving Berlin)

"Teach us to number our days and recognize how few they are; help us to spend them as we should. -----Let us see Your miracles again; - let us be aware, alive to them - let our children see glorious things, the kind You used to do - and our forefathers responded to with faith and determination - and let the Lord our God favor us and give us success."

-----Psalm 90:12, 16-17 (paraphrase)

Dear God of every day and every person, guide us through the complexities of this important day. Leave us not alone to our own wanderings and selfseeking ego trips but rather, join us in Spirit and move us to greatness. Cause us to respond to the tasks before us with justice, mercy and love. We have been sent here to lead in service. Let us serve with great leadership. Amen!

Rep. Daniel Healy led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Ellis, Wolfsen, Ainley, Goff, LaFleur, Emile Boisvert and Cooney, the day, illness.

Reps. Grieco, Pratt, Chapman, Callahan, Lynch and Kelly, the day, important business.

Reps. Frizzell, Dearborn and Palmer, the day, inclement weather.

#### SENATE MESSAGE

RESOLVED, that whereas the Senate has completed its organization and has been waiting upon the House since 2:30 p.m., and

WHEREAS, it appears that the organization of the House may not be completed before 5:00 p.m. at which time many members of the Senate are obliged to leave,

Now therefore, the Senate wishes to inform the House through its temporary Chairman that the Senate members will not be available after 5:00 p.m. on December 1, 1976 to meet jointly to cast ballots for Secretary of State and State Treasurer and hopes that the House will be able to suspend its proceedings before that hour in order to facilitate said voting.

Rep. Lyons moved that the House meet Wednesday next at 4:00 o'clock for the purpose of meeting in Joint Convention to elect a Secretary of State and a State Treasurer.

The Speaker requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 253 NAYS 82

YEAS 253

BELKNAP: Beard, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray and Kenneth Randall.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Kenneth MacDonald, and Kenneth Smith.

CHESHIRE: Galloway, Anne Gordon, Hogan, Krause, Moore, Proctor, Russell, Scranton, Vrakatisis, Whipple and Terry Wiggins.

COOS: Burns, Fortier, Bradley Haynes, Huggins, Hunt, George Lemire, Mabel Richardson, Willey and Wiswell.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Copenhaver, Cornelius, Crory, Myrl Eaton, Gemmill, Hough, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Baker, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Brody, Burke, Carswell, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Currier, Forsaith Daniels, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gardner, Granger, Cort Hansen, Heald, Daniel Healy, Howard Humphrey, Hynes, Kaklamanos, Karnis, Knight, Lyons, Martin, Martineau, McGlynn, McLaughlin, Morgan, Morrison, Nardi, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, St. George, Shea, Sing, Edward Smith, Leonard Smith, Soucy, Spiro, Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Shapiro, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Akerman, Aller, Douglas, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Cunningham, Cutliffe, Danforth, Davis, Robert Day, DeCesare, Dunfey, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gould, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Nelson, Parr, Pucci, Anthony Randall, Sanborn, Scamman, Schwaner, Skinner, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Zabarsky.



STRAFFORD: Appleby, Belhumeur, Burchell, Donnelly, Charles Grassie, Hebert, Dianne Herckek, James Herckek, Joos, Kincaid, Lessard, Maglaras, Meader, Roderick O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Voll, Shirley White and Allen Wilson.

SULLIVAN: Burrows, Ingram, Lewko, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

#### NAYS 82

BELKNAP: Bowler and Sanders.

CARROLL: Found and Keller

CHESHIRE: Chase, Dostilio, Daniel Eaton, Faucher, Fillback, Irvin Gordon, Ladd, Marshala, Matson, Parker, Margaret Ramsay, Slack and Terry.

COOS: Horton, Keough and Theriault.

GRAFTON: Aldrich, Clark, Duhaime, LaMott, Pepitone, Stomberg and Glyneta Thomson.

HILLSBOROUGH: Arnold, Aubut, Barrett, Bednar, Belanger, Bellemore, Clancy, Corser, William Desmarais, Dupont, Clyde Eaton, Gelinas, Girolimon, Head, Keefe, Lachance, Marcoux, McDonough, Fred Murray, Nemzoff-Berman, Orcutt, Pappas, Pelletier, Paul Riley, Stahl, Stylianos, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Chandler, Mullin and Packard.

ROCKINGHAM: Aeschliman, Connors, Felch, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Norton, Parolise, Quimby, Rogers, Alfreda Smith and Stratton.

STRAFFORD: Walter Desmarais, Bruce French, Lefavour, Morrisette and Valley.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray and LeBrun, and the motion passed.

Rep. Marshall French moved that the Speaker appoint a committee of three to assign seats to the members.  
Adopted.

Rep. Lyons moved that a committee of ten members, one from each county be appointed by the Speaker to select some suitable person to act as Chaplain during the present session of the legislature and report such selection to the House for consideration.  
Adopted.

Rep. Bridges moved that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and Clerk, to confirm and correct the Permanent Journal.

The Permanent Journal as thus prepared by the Clerk or as corrected by the House shall be the official record of the House, and further moved, that the Committee on the Journal be authorized to examine the Permanent Journal as prepared by the Clerk, and make corrections of the same for approval by the House subcommittee of the Joint Committee on Legislative Facilities as required by RSA 14:7.  
Adopted.

Rep. Griffin moved that the Clerk, with the approval of the Speaker, may employ such stenographic and administrative assistance as he may deem necessary.  
Adopted.

Rep. Marshall French moved that the Sergeant-at-Arms, with the approval of the Speaker, may employ such personnel as he deems necessary; that the Speaker of the House be authorized to employ such other personnel as he deems necessary, and with the approval of the House subcommittee of the Committee on Legislative Facilities, fix their compensation.  
Adopted.

Rep. Lyons moved the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge from the Sergeant-at-Arms.

2. Persons requesting copies of all publications (delivered) complete for the entire session will be charged a fee equal to the cost of the service. Such fees may be pro rated where service is received for portions of the session only. All fees will be payable in advance.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms and paid in to the state treasury and credited to the legislative appropriation.  
Adopted.

Reps. Marshall French and Spirou moved that the Speaker after consultation with the majority and minority leaders may cancel a scheduled meeting of the House in the event of a severe snowstorm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on legislative business on any day that a meeting of the House is under the authority of this resolution cancelled shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

Rep. Marshall French offered the following;

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 1 through 29 and Concurrent Resolutions Proposing Constitutional Amendments numbered 1 through 4 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the appropriate committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS AND CACRS

First, second reading and referral  
HB 1, relative to the fee schedule of the registers of deeds in all counties. (Hanson of Merrimack Dist. 5 - To Municipal and County Government)

HB 2, relative to a prohibition on advertising by the liquor commission. (Sanborn of Rockingham Dist. 9 - To Regulated Revenues)

HB 3, repealing the provisions relative to establishing additional district courts. (French of Belknap Dist. 1 - To Judiciary)

HB 4, amending the hunting season for raccoons. (Hanson of Merrimack Dist. 5 - To Fish and Game)

HB 5, relative to regulating the licensing of cosmetologists. (Rice of Merrimack Dist. 20 - To Commerce and Consumer Affairs)

HB 6, granting reciprocity to certain licensed cosmetologists from other jurisdictions, if that jurisdiction participates in national testing. (Rice of Merrimack Dist. 20 - To Commerce and Consumer Affairs)

HB 7, adding the chancellor of the university system to and removing the citizen of the state from the New England Board of Higher Education. (Chandler of Merrimack Dist. 3 - To Education)

HB 8, relative to the authority of the state fire marshal to order autopsies. (Callahan of Cheshire Dist. 2; Hanson of Merrimack Dist. 5 - To Statutory Revision)

HB 9, providing a penalty for leaving the scene of a skiing accident under certain circumstances. (Hanson of Merrimack Dist. 5 - To Judiciary)

HB 10, establishing an age limitation for deputies and special deputies appointed by sheriffs. (Close of Cheshire Dist. 15; Gordon of Cheshire Dist. 8 - To Municipal and County Government)

HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles. (Daniell of Merrimack Dist. 13; Humphrey of Merrimack Dist. 11; Morgan of Hillsborough Dist. 3 - To Transportation)

HB 12, requiring an environmental impact statement to be filed with the director of forests and lands before cutting or destroying vegetation growing at an elevation greater than 3,000 feet. (Cote of Hillsborough Dist. 28 - To Resources, Recreation and Development)

HB 13, establishing a hunting season for the taking of foxes and classifying the fox as a fur-bearing animal. (Huggins of Coos Dist. 1 - To Fish and Game)

HB 14, changing the notification date for teachers who are not renominated or reelected. (Spaulding of Sullivan Dist. 4 - To Education)

HB 15, exempting the tax on that portion of the dividend that constitutes a return of capital. (Niebling of Rockingham Dist. 13 - To Ways and Means)

HB 16, authorizing out of state municipalities to participate in district fire mutual aid systems. (Callahan of Cheshire Dist. 2; Mann of Grafton Dist. 6 - To Municipal and County Government)

HB 17, permitting absentee voting in elections of the union school district in Concord. (Tarr of Merrimack Dist. 17 - To Statutory Revision)

HB 18, to require the operator of a motor vehicle to report an injury to a dog struck by his vehicle. (Sabbow of Belknap Dist. 6 - To Transportation)

HB 19, to reduce the mandatory period for impoundment of dogs and other animals and to increase pound fees. (Sabbow of Belknap Dist. 6 - To Municipal and County Government)

HB 20, to provide compensation to cities and towns for loss of tax base caused by land classified as open space and making an appropriation therefor. (Barrus of Sullivan Dist. 2 - To Ways and Means)

HB 21, increasing the state minimum wage to \$3 per hour. (Cote of Hillsborough Dist. 28 - To Labor, Human Resources and Rehabilitation)

HB 22, establishing a recount procedure for votes at special meetings of towns with official Australian or nonpartisan ballots. (Gagnon of Hillsborough Dist. 13 - To Statutory Revision)

HB 23, requiring the filing of a detailed plan with the town clerk of the proposed project to excavate, fill or dredge. (Hanson of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 24, eliminating prohibitions against political contributions by certain organizations. (Hildreth of Belknap Dist. 6; O'Connor of Strafford Dist. 18 - To Statutory Revision)

HB 25, eliminating the maximum dollar limit on group life insurance for employees. (Morgan of Hillsborough Dist. 3 - To Commerce and Consumer Affairs)

HB 26, requiring the use of a protective safety cage when changing split rim truck tires in a repair shop, garage or service station. (Hanson of Merrimack Dist. 5 - To Transportation)

HB 27, establishing the Meredith district court. (French of Belknap Dist. 1 - To Judiciary)

HB 28, authorizing the water resources board to acquire the dam on Sunrise Lake in Middleton. (Canney of Strafford Dist. 2 - To Resources, Recreation and Development)

HB 29, amending the election laws relative to the qualifications of a candidate filing for certain political offices. (French of Belknap Dist. 1 - To Statutory Revision)

CACR 1, Relating to: Amendments to the constitution proposed by the General Court. Providing that: The authority of the General Court to propose constitutional amendments be repealed. (Chandler of Merrimack Dist. 3 - To Constitutional Revision)

CACR 2, Relating to: Constitutional amendments proposed by the legislature. Providing that: A constitutional amendment-concurrent resolution must be approved without change at 2 consecutive regular sessions before being submitted to the voters. (Cote of Hillsborough Dist. 28 - To Constitutional Revision)

CACR 3, Relating to: Equality of rights. Providing that: The provision that equality of rights shall not be denied or abridged by the state on account of race, creed, color, sex or national origin be abolished. (Chandler of Merrimack Dist. 3 - To Constitutional Revision)

CACR 4, Relating to: The taxing power of the state. Providing that: The legislature's power to provide for assessment of classes of real estate based on current use be abolished. (Cote of Hillsborough Dist. 28 - To Constitutional Revision)

Adopted.

(Rep. Marshall French in the Chair)

Rep. Roberts moved that the House adopt the proposed amendments to Rule 32 of the 1975 Rules, and spoke to his motion.

#### PROPOSED AMENDMENTS TO 1975 RULES

In the first paragraph of Rule 32, change "Banks and Insurance" to "Commerce and Consumer Affairs", change "Liquor Laws" to "Regulated Revenues", and add "Interstate Cooperation" and "Science and Technology" in proper alphabetical sequence.

In the second paragraph of Rule 32, substitute for the entire paragraph: "A Committee on Rules shall be appointed at the commencement of any session, one of whose members shall be the Speaker".

Substitute for paragraph (c) of Rule 32: "It shall be the duty of the Committee on Commerce and Consumer Affairs to consider all matters pertaining to commerce, banks and banking institutions, insurance companies and contracts of insurance of any character, all matters relating to consumer affairs which may be referred to it, all matters relating to the economic condition of commerce and industry as shall be referred to it, and such other matters as may be referred to it."

Substitute for paragraph (i) of Rule 32. "It shall be the duty of the committee on Interstate Cooperation to consider all interstate compacts, the impact of legislation affecting the New England

region; the relationship between the state and the federal government; to encourage communication between the legislature and the New Hampshire congressional delegation; to promote understanding and cooperation between this state and other states of the union, and such other matters as may be referred to it."

Substitute for paragraph (m) of Rule 32: "It shall be the duty of the Committee on Regulated Revenues to consider all matters relating to the state Liquor Commission and the liquor laws of the state; the state Sweepstakes Commission and the sweepstakes laws of the state; the state Racing Commission and the horse racing laws of the state; the state Greyhound Racing Commission and the dog racing laws of the state; and such other matters as may be referred to it."

All bills and resolutions affecting state revenues or fees shall, if favorably reported from the Regulated Revenues Committee, be referred to the Committee on Ways and Means for a report on the effect of passage of such bills or resolutions on the revenues of the state."

Substitute for paragraph (d) of Rule 32: "It shall be the duty of the Committee on Science and Technology to consider all matters pertaining to the application of technological advances to the legislative process and the operation of state government; to coordinate the flow of information about technical and scientific matters among state and federal agencies and legislative committees; to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted; and such other matters as may be referred to it."

Rep. Parr spoke in favor of the motion.

Rep. Spirou offered an amendment to the Roberts' Amendment.

#### Amendment

Amend the proposal as offered by Rep. Roberts by striking out all and inserting the following:

Resolved that the House rules contained in the 1975 Manual of the General Court (Black Book) shall be the rules of the House for this session with the following exceptions:

Amend House Rule 32 by striking out in the first unnumbered paragraph "Banks and Insurance" and by inserting in proper alphabetical order the following two committees: Commerce and Consumer Affairs" and "Science and Technology."

Amend House Rule 32 by re-lettering the list of committees and by striking out "Banks and Insurance," "Interstate Cooperation" and inserting in the proper alphabetical sequence the following:

It shall be the duty of the Committee on Commerce and Consumer Affairs to consider all matters pertaining to commerce, banks and banking institutions, insurance companies and contracts of insurance which may be referred to it, all



matters relating to the economic conditions of commerce and industry as shall be referred to it, and such other matters as may be referred to it.

It shall be the duty of the Committee on Interstate Cooperation to consider all interstate compacts, the impact of legislation affecting the New England region; the relationship between the state and the federal government; to encourage communication between the legislature and the New Hampshire congressional delegation; to promote understanding and cooperation between this state and other states of the union, and such other matters as may be referred to it.

It shall be the duty of the Committee on Science and Technology to consider all matters pertaining to the application of technological advances to the legislative process and the operation of state government; to coordinate the flow of information about technical and scientific matters among state and federal agencies and legislative committees; to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted; and such other matters as may be referred to it.

Amend Rule 4 by striking out same and inserting in place thereof the following:  
4. All committees (including special committees and committees of conference) except the Committee on Rules, shall be appointed by the Speaker and the duly elected minority party floor leader, unless otherwise directed by the House. The membership on all standing committees of the House shall be divided between the two major political parties in the same proportion that the membership of the House belonging to the majority party bears to the House membership of the minority party. No member shall serve on more than two standing policy committees. The appointments to committees for the majority party shall be made by the Speaker and appointments to committees for the minority party shall be made by the duly elected minority party floor leader. Notwithstanding the provisions of this rule, the Speaker and minority party floor leader may agree upon a different proportion for the membership of any particular committee.

Amend Rule 32 by striking out the second unnumbered paragraph and inserting in place thereof the following:

The Committee on Rules, consisting of nine members, shall be chosen at the commencement of the session in the manner provided in Rule 34. The Committee on Interstate Cooperation, consisting of nine members, shall be appointed at the commencement of the session.

Amend Rule 34 by striking out same and inserting in place thereof the following:

34. All committees shall elect a chairman, a vice-chairman and a clerk following the appointment of the committee. All members who were appointed to a standing committee of the House except the rules committee in the session preceding

this session shall be reappointed to the same committee unless the member notifies the Speaker, in the case of a majority party member, or the minority party floor leader, in the case of a minority party members that he does not wish to be reappointed to his former committee or committees. All members of the former Banks and Insurance Committee shall be reappointed to the Committee on Commerce and Consumer Affairs unless they indicate a wish not to be reappointed as specified above.

The Committee on Rules shall consist of five members of the majority party, one of whom shall be the Speaker, and four members of the minority party. The members of the majority party shall be appointed by the Speaker and the members of the minority party shall be appointed by the duly elected minority party floor leader. The committee shall elect its own officers as specified above.

(Speaker in the Chair)

Rep. Spirou explained his amendment.

Reps. Lawton, Bridges, Lyons, Cunningham, Bednar and Tucker spoke against the Spirou amendment.

Reps. Scamman, Chambers, and Coutermarsh spoke in favor of the Spirou amendment.

Rep. McLane moved that the Spirou amendment be laid upon the table.

Rep. Milton Cate requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 186 NAYS 159

YEAS 186

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson, Lawton, Mansfield, Marsh, Morin, James Murray, Kenneth Randall and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Chase, Close, Dostilio, Fillback, Galloway, Anne Gordon, Hogan, Krause, Ladd, Marshala, Moore, Scranton and Whipple.

COOS: Bradley Haynes, Horton, Keough, Mabel Richardson, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Duhaime, Myrl Eaton, Hough, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Arnold, Bednar, Wilfrid Boisvert, Roland Boucher, Brack, Bridges, Brody, Burke, Carswell, Mark Connolly, Currier, Forsaith Daniels, Clyde Eaton, Joseph Eaton, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Levesque, Lyons, Martin, McLaughlin, Morgan, Fred Murray, Paradis,

Arnold Perkins, Peters, Podles, Record, Henry Richardson, Paul Riley, Simard, Leonard Smith, Soucy, Stahl, Stylianos, Harold Thomson, Van Loan, Geraldine Watson and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McLane, Packard, Arthur Perkins, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Aller, Appel, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Cummings, Cunningham, Cutcliffe, Davis, Robert Day, Flanagan, Beverly Gage, Carl Gage, Caskill, Coff, Gould, Greene, Griffin, Hartford, Kane, Kashulines, King, Lovejoy, Nelson, Norton, Parr, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Vlack, Webster and Helen Wilson.

STRAFFORD: Appleby, Lefavour, Meader, Osgood, Preston, Ruel, Sackett, Torrey, Tripp and Valley.

SULLIVAN: Barrus, Burrows, Gray, Ingram, Lewko, Scott, Spaulding, Sara Townsend and Tucker.

#### NAYS 159

BELKNAP: Gary Dionne, Goyette and Hildreth.

CARROLL: Roderick Allen.

CHESHIRE: Daniel Eaton, Faucher, Irvin Gordon, Matson, Parker, Margaret Ramsay, Russell, Slack, Terry, Vrakatitsis and Terry Wiggin.

COOS: Burns, Fortier, Huggins, George Lemire, Patenaude, Poulin, Theriault and York.

GRAFTON: Buckman, Chambers, Clark, Copenhaver, Cornelius, Crory, Gemmill, LaMott, Stomberg and Michael Woodard.

HILLSBOROUGH: Aubut, Baker, Barrett, Belanger, Bellemore, Bosse, Clancy, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Gabrielle Cagnon, Nancy Gagnon, Gardner, Gelinias, Girolimon, Daniel Healy, Lachance, Lamy, LaPlante, Armand Lemire, Marcoux, Martineau, McDonough, McGlynn, Morrison, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Plomaritis, Polak, St. George, Shea, Sing, Edward F. Smith, Spirou, Sullivan, Wallace, Wallin, Welch, Robert W. Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Eugene Daniell, Gamache, LaBonte, McNichol, Mullin, Pelton, Plourde, Ralph, Rice, Tarr and Waters.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Danforth, DeCesare, Dunfey, Erler, Ganley, Hoar, Krasker, Laycock, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Parolise, Pucci, Quimby, Anthony Randall, Scamman, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Kincaid, Lessard, Maglaras, Morrisette, Nadeau, Roderick O'Connor, Dennis Ramsey, Schreiber, Donald Smith, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Desnoyer, LeBrun, George Wiggins and the Spirou amendment was laid upon the table.

Rep. Laurent Boucher wished to be recorded against the Spirou amendment.

Rep. Pappas wished to be recorded in favor of the Spirou amendment.

Rep. Roderick Allen offered an amendment.

#### Amendment

Amend the House Rules by inserting after Rule 10 the following new subdivision:

#### Organization of Party Caucuses

10-a. Following the election of Speaker of the House, the members shall organize themselves into party caucuses according to the political affiliations of each member. Each party caucus shall elect its floor leaders by secret ballot. Vacancies in floor leader positions shall be filled by election to the unexpired term.

The clerk read the amendment in full.

Rep. Allen explained his amendment.

Rep. Tucker spoke against the amendment.

Rep. Richard Hanson moved that the amendment be laid upon the table and requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 206 NAYS 140

YEAS 206

BELKNAP: Beard, Marshall French, Lawton, Mansfield, Marsh, Morin, James Murray and Kenneth Randall.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Chase, Close, Fillback, Galloway, Anne Gordon, Hogan, Ladd, Marshala, Moore, Scranton, Slack and Whipple.

COOS: Burns, Fortier, Horton, Hunt, Keough, George Lemire, Mabel Richardson, Willey and Wiswell.



GRAFTON: Aldrich, Ira Allen, George Cate, Crory, Duhaime, Myrle Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Aubut, Barrett, Bednar, Wilfrid Boisvert, Bosse, Roland Boucher, Bridges, Burke, Carswell, Joseph Cote, Coughlin, Currier, Forsaith Daniels, L. Penny Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Levesque, Lyons, Martineau, McLaughlin, Morgan, Fred Murray, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, St. George, Shea, Simard, Sing, Edward Smith, Leonard Smith, Stahl, Stylianos, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Bodi, Carroll, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, James Humphrey, Polly Johnson, Donna MacIvor, Packard, Arthur Perkins, Rich, Doris Riley, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Aller, Appel, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Cummings, Cunningham, Cutcliffe, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Gould, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Nelson, Norton, Parr, Quimby, Anthony Randall, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Stratton, Tavittian, Vlack, Webster and Helen Wilson.

STRAFFORD: Appleby, Belhumeur, Walter Desmarais, Dianne Herchek, Meader, Osgood, Preston, Ruel, Sackett, Donald Smith, Torrey, Tripp and Allen Wilson.

SULLIVAN: Barrus, Burrows, Ingram, Lewko, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

#### NAYS 140

BELKNAP: Bowler, Gary Dionne, Goyette, Michael Hanson, Hildreth and Sanders.

CARROLL: Roderick Allen.

CHESHIRE: Dostilio, Daniel Eaton, Faucher, Irvin Gordon, Krause, Matson, Parker, Proctor, Margaret Ramsay, Russell, Terry and Terry Wiggins.

COOS: Bradley, Haynes, Huggins, Patenaude, Poulin, Theriault and York.

GRAFTON: Buckman, Chambers, Clark, Copenhagen, Cornelius, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Arnold, Baker, Belanger, Bellemore, Brack, Brody, Clancy, Mark Connolly, Corser, Margaret Cote, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, Drenniak, Gardner, Gelinas, Girolimon, Granger, Cort Hansen, Lachance, Lamy, LaPlante, Armand Lemire, Marcoux, Martin, McDonough, McGlynn, Morrison, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Paul Riley, Soucy, Spirou, Sullivan, Wallin, Welch, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Eugene Daniell, Gamache, Hess, Kidder, LaBonte, McNichol, Mullin, Pelton, Plourde, Ralph, Rice, Shepard and Tarr.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Danforth, DeCesare, Dunfey, Carl Gage, Ganley, Krasker, Laycock, Maynard, Joseph McEachern, Niebling, Parolise, Pucci, Scamman, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Donnelly, Bruce French, Charles Grassie, Hebert, James Herchek, Joos, Kincaid, Maglaras, Morrisette, Nadeau, Roderick O'Connor, Dennis Ramsey, Schreiber, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, Desnoyer, Gray and LeBrun, and the amendment was laid upon the table.

Question now being on the Roberts' amendment.

Amendment adopted.

Rep. Laurent Boucher wished to be recorded in favor of the Roberts' amendment.

#### SUSPENSION OF RULES

Rep. Marshall French moved that the rules of the House be so far suspended as to permit the consideration of a resolution not having been approved by the Subcommittee on Resolutions and Screening.

Adopted by the necessary two-thirds.

Reps. Spirou, Chambers, Marshall French and Tucker offered the following:

#### HOUSE RESOLUTION NO. 1

remembering Pearl Harbor Day  
WHEREAS, 35 years ago this seventh day of December this nation was subjected to a most devastating air invasion by a foreign power, namely the infamous attack on Pearl Harbor; and

WHEREAS, many native and future citizens of this great state were there on this very dark day in our military history; and

WHEREAS, this great nation became involved in the second World War; now therefore be it

RESOLVED that, in memory of this bleak day in our country's history and to pay respect to our friends, relatives and comrades lost on that seventh day of December, 1941 and in the many battles that followed, let the members of the New Hampshire House of Representatives stand for a moment of silent tribute to honor this sad but unforgettable occasion.

Unanimously adopted and followed by a moment of silent prayer.

#### SUSPENSION OF RULES

Rep. Hildreth moved that the rules of the House be so far suspended as to permit the consideration of a resolution not having been approved by the Subcommittee on Resolutions and Screening.

Reps. Lawton and Tarr spoke against suspension of the rules.

Reps. Eugene Daniell, Hildreth, McDonough, LaMott and Lyons spoke in favor of suspension of the rules.

Rep. Stratton requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 257 NAYS 88

YEAS 257

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Mansfield, Marsh, Kenneth Randall and Sanders.

CARROLL: Raymond Conley, Dickinson, Found, Keller and MacDonald.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Marshala, Matson, Moore, Parker, Proctor, Russell, Slack, Terry, Vrakatitsis and Terry Wigglin.

COOS: Burns, Fortier, Bradley Haynes, Huggins, Hunt, George Lemire, Patenaude, Poulin, Theriault and Willey.

GRAFTON: Aldrich, Ira Allen, George Cate, Chambers, Copenhaver, Cornelius, Crory, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, McIver, Snell, Stomberg, Taffe, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Baker, Barrett, Roland Boucher, Brack, Brody, Burke, Carswell, Clancy, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Currier, Forsaith Daniels, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gardner, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Lachance, Levesque, Lyons, Marcoux, Martin, Martineau, McDonough, McGlynn, McLaughlin, Morrison, Fred Murray, Nardi, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Peters, Plomaritis, Podles, Record, Henry

Richardson, St. George, Shea, Simard, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Harold Thomson, Wallin, Welch, Robert Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Hess, Polly Johnson, Donna MacIvor, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Ralph, Rice, Rich, Gerald Smith, Stockman, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Douglas Aller, Barka, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Davis, Robert Day, DeCesare, Dunfee, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gould, Griffin, Hoar, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Pucci, Anthony Randall, Rogers, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Vlack and Wojnowski.

STRAFFORD: Burchell, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Dianne Hercheke, James Hercheke, Joos, Kincaid, Lefavour, Lessard, Maglaras, Meader, Morrisette, Nadeau, Roderick O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Burrows, Desnoyer, Gray, Ingram, LeBrun, Spaulding, Sara Townsend and Tucker.

NAYS 88

BELKNAP: Lawton, Morin and James Murray.

CARROLL: Roderick Allen, Claflin, Howard and Kenneth Smith.

CHESHIRE: Margaret Ramsay, Scranton and Whipple.

COOS: Horton, Keough, Mabel Richardson, Wiswell and York.

GRAFTON: Buckman, Clark, Myrl Eaton, Pepitone, Rounds and Taylor.

HILLSBOROUGH: Aubut, Bednar, Belanger, Bellemore, Wilfrid Boisvert, Bosse, Bridges, William Desmarais, Joseph Eaton, Howard Humphrey, Lamy, LaPlante, Armand Lemire, Morgan, Nemzoff-Berman, Normand, Paradis, Arnold Perkins, Polak, Paul Riley, Sullivan, Van Loan, Wallace, Geraldine Watson, Emma Wheeler and James J. White.

MERRIMACK: Bellerose, Bibbo, Bodi, Chandler, Richard Hanson, James Humphrey, Kidder, LaBonte, Plourde, Doris Riley, Shepard, Tarr, Doris Thompson and Waters.

ROCKINGHAM: Appel, William Boucher, Cunningham, Cutcliffe, Danforth, Erler, Greene, Hartford, Kane, King, Parr, Quimby, Scamman, Schwaner, Tavitian, Webster, Helen Wilson and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Donnelly, Sackett and Allen Wilson.

SULLIVAN: Brodeur, Lewko, Scott and George Wiggins, and the rules were suspended by the necessary two-thirds.

Reps. Hildreth and Roderick O'Connor offered the following:

#### HOUSE RESOLUTION NO. 2

WHEREAS, New Hampshire State Liquor Stores traditionally have been closed on Christmas Eve and New Year's Eve, and

WHEREAS, Christmas Eve and New Year's Eve are special nights for New Hampshire families, and

WHEREAS, employees of the State Liquor Stores work a longer work week than other state employees, and

WHEREAS, the day before Christmas and the day before New Year's Day have been designated as state holidays, and

WHEREAS, the State Liquor Commission has voted to require its employees to work on Christmas Eve and New Year's Eve, therefore be it

RESOLVED, that the 1977 House of Representatives in General Court convened, hereby respectfully requests that the New Hampshire State Liquor Commission rescind its decision to open the State Liquor Store on Christmas Eve and New Year's Eve, and be it further

RESOLVED, that a copy of these resolutions be forwarded to the members of the State Liquor Commission, the Governor and the Honorable Council.

Question now being on the adoption of the resolution.

Resolution adopted.

The Speaker appointed Rep. Marshall French majority leader.

#### UNANIMOUS CONSENT

Rep. Marshall French addressed the House by unanimous consent.

347 members were recorded as present.

#### RECESS

The House met at 4:00 p.m. on December 8.

Prayer as offered by Rev. Milton L. Smith, Sr.

Good afternoon Lord. You said this Lord! Remember? "You are the salt of the earth, but if salt has lost its taste, how shall its saltiness be restored?" (Matt. 5:13a)

We are called to leadership. We are called to be the world's seasoning, to make it tolerable. If we lose our flavor, our seasoning power, our power to lead effectively, what will happen to the

world? Our time wasted and our labors spent will be thrown out and trampled underfoot as worthless.

Dear God, You know that time and life are too precious to waste. Bless our State leadership on all levels. Equip us for the important tasks ahead. Let Your divine Light light again our pathways and direct us in decision making pleasing in Your sight. So bless us. Amen!

Rep. Ingram led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Keefe, Pratt, Duhaime, Nemzoff-Berman, Appel, Sanders, Parker, Marshall, Schwaner, Howard and Sara Townsend, the day, important business.

Reps. Ainley, Wolfsen, Ellis and Bisbee, the day, illness.

#### COMMUNICATION

Mr. James A. Chandler, Clerk  
House of Representatives

On December 8, 1976, the following representatives-elect appeared before the Governor and Council and were sworn into office:

Belknap County District No. 2 -  
Esther R. Nighswander, Gilford  
Coos County District No. 2 -  
Neila P. Woodward, Northumberland  
Hillsborough County District No. 14 -  
John P. Quigley, Hudson  
Hillsborough County District No. 16 -  
Frederick J. Alter, Nashua

Rockingham County District No. 23 -  
Donna J. McEachern, Portsmouth

Sullivan County District No. 6 -  
Jay S. Lucas, Newport

Edward C. Kelley  
Acting Secretary of State

Reps. Marshall French and Spirou moved to inform the Honorable Senate that the House of Representatives has organized by the election of Rep. George B. Roberts, Jr., of Gilmanton as Speaker; James A. Chandler of Portsmouth as Clerk; Carl A. Peterson of Litchfield as Assistant Clerk and Warren W. Leary of Alton as Sergeant-at-Arms.

Adopted.

Reps. Marshall French and Spirou moved to inform the Senate that the House was ready to meet with the Honorable Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Adopted.

#### JOINT CONVENTION (Speaker Presiding)

Sens. Brown and Downing and Reps. Marshall French and Spirou moved that the Convention proceed with the election of a State Treasurer.

Adopted.

The Chair declared nominations in order.

Rep. Ward placed the name of Robert W. Flanders in nomination for State Treasurer.

Sen. Stephen Smith seconded the nomination.

There being no other nominations, the Chair instructed the clerk to cast one ballot for Robert W. Flanders as State Treasurer.

The Clerk cast one ballot for Robert W. Flanders as State Treasurer and he was declared elected.

Rep. Lyons moved to proceed with the election of a Secretary of State.

Adopted.

The Chair declared nominations in order.

Rep. Daniel Healy placed the name of Rep. William Gardner in nomination for Secretary of State.

Reps. Ambrose, Elmer Johnson and Sen. Foley seconded the nomination.

Rep. William Kidder placed the name of Arthur Drake in nomination for Secretary of State.

Reps. Kenneth Smith, Trachy and Sen. Trowbridge seconded the nomination.

There being no other nominations the Chair declared nominations closed.

The Chair appointed Reps. Richard Hanson, Griffin, Plourde, Spirou, Hildreth, Chambers, Whipple and Sen. Lamontagne as tellers.

#### RECESS

#### HOUSE

Rep. Marshall French offered the following:

Resolved, that in accordance with the list in the possession of the Clerk, House Bills numbered 30 through 35 and Concurrent Resolutions Proposing Constitutions Amendment numbered 5 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the appropriate committees.

#### INTRODUCTION OF HOUSE BILLS AND CACR

First, second reading & referral

HB 30, providing for special motor vehicle number plates for military aides to the governor. (Eaton of Grafton Dist. 8; King of Rockingham Dist. 1; Duhaime of Grafton Dist. 14; Tarr of Merrimack Dist. 17; Mann of Grafton Dist. 6; Lamontagne of Dist. 1; Sanborn of Dist. 17 - To Transportation)

HB 31, making a supplemental appropriation to the adjutant general's department for fiscal 1977 and repealing restrictions on certain expenditures. (Benton of Rockingham Dist. 2 - To Claims, Military and Veterans Affairs)

HB 32, relative to the duties of the director of mental health in regard to community mental health programs. (Nighswander of Belknap Dist. 2 - To Health and Welfare)

HB 33, repealing the statute relevant to reinstatement of World War II veterans' licenses. (Benton of Rockingham Dist. 2 - To Claims, Military and Veterans Affairs)

HB 34, requiring the attorney general to act when a citizen claims a city or town has violated a state statute. (Cote of Hillsborough Dist. 28 - To Judiciary)

HB 35, permitting classified state employees to make political contributions. (Hildreth of Belknap Dist. 6; O'Connor of Strafford Dist. 18 - To Statutory Revision)

CACR 5, Relating to: Granting of pensions by the legislature. Providing that: The requirements that pensions be granted for not longer than one-year at a time be repealed. (Tucker of Sullivan Dist. 4; O'Connor of Strafford Dist. 18; Day of Hillsborough Dist. 26 - To Constitutional Revision)

#### RECESS

#### JOINT CONVENTION RECONVENED

The results of the balloting for Secretary of State were as follows:

393 votes cast with one blank ballot.

William Gardner 218

Arthur Drake 174

Rep. Marshall, who was absent, wished to be recorded in favor of Mr. Drake.

Rep. Gardner's total being in excess of the required majority, the Chair declared him duly elected Secretary of State.

The Speaker recognized Rep. Gardner, who addressed the Joint Convention briefly.

Rep. Gardner and Mr. Flanders were sworn in by the Speaker.

On the recommendation of Rep. Spirou, the Joint Convention paid tribute to Rep. Gardner's parents who were in the balcony.

On motion of Sen. Lamontagne the Joint Convention rose.

#### HOUSE

Reps. Marshall French and Spirou moved that the House recess at the call of the Speaker for the sole purpose of introduction of bills.

Adopted.

372 members were recorded as present.

#### RECESS

Reps. Marshall French and Spirou moved that the House adjourn.

Adopted.



# HOUSE JOURNAL 2

Wednesday, 5Jan77

19

The House met at 10:00 a.m.

Prayer was offered by Rev. Milton L. Smith, Sr.

Let Us Pray: Dear God, You are the strength of our life and a help in time of trouble. We thank You for the valiant men and women of the past whose faith and courage have won great victories for the people of our state and for mankind. At times when we face problems too great for our intelligence, or tasks which test our endurance, we are encouraged by their example. May we not shirk our tasks, or evade our responsibilities, but face the situation fearlessly with faith and confidence, regardless of the problems involved. Strengthen us and grant us the ability to meet whatever the day sends; in Jesus name. Amen!

Rep. Margaret Cote led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Cecelia Winn, John Winn, Cotton, James Herchek and D'Amante, the day, illness;

Reps. Chase, Whipple, Ellis, Bellemore, Stefanides and James Humphrey, the day, important business.

Reps. Marshall French and Spirou offered the following:

RESOLVED, that the House is ready to meet with the Honorable Senate in joint convention for the purpose of canvassing the votes for Governor and Councilors.

## SENATE MESSAGE

The Senate is ready to meet with the House in Joint Convention.

## JOINT CONVENTION

(Speaker Presiding)

Sen. Trowbridge and Rep. Marshall French offered the following resolution:

RESOLVED, that the Honorable Secretary of State be requested to lay before the Convention the returns of votes for Governor and Councilors.

Adopted.

Hon. William M. Gardner, Secretary of State, appeared before the joint convention and reported the returns of the votes for Governor and Councilors cast in the last General Election, as follows:

## FOR GOVERNOR

	Meldrim Thomson, Jr., r	Harry V. Spanos, d
Belknap	10,310	6,406
Carroll	9,391	3,181
Cheshire	11,055	12,566
Coos	9,437	5,346
Grafton	14,600	9,781

Hillsborough	60,008	39,230
Merrimack	18,950	19,716
Rockingham	41,728	27,026
Strafford	15,568	14,168
Sullivan	6,542	7,235
	197,589	144,655

Meldrim Thomson, Jr., having a plurality of all votes, was elected Governor.

## FOR COUNCILORS

### First District

Raymond S. Burton, Bath, r	35,642
Robert J. Crowley, Plymouth, d	27,795
Plurality for Burton	7,847

### Second District

Malcolm McLane, Concord, r	37,299
Robert Nichols, Hopkinton, d	23,260
Plurality for McLane	14,039

### Third District

Dudley W. Dudley, Durham, d	32,586
Vesta M. Roy, Salem, r	29,417
Roger A. Kay, Portsmouth, Libertarian	7,755
Plurality for Dudley	3,169

### Fourth District

Louis D'Allesandro, Manchester, r	35,723
Andre A. Verville, Manchester, d	22,803
Plurality for D'Allesandro	12,920

### Fifth District

Bernard A. Streeter, Jr., Nashua, r	39,003
Gerry Morin, Sr., Keene, d	25,056
Plurality for Streeter	13,947

Sen. Saggiotes and Rep. Marshall French offered the following:

RESOLVED, that the vote for Governor and Councilors in the last General Election be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Sen. Saggiotes and Reps. Marshall French and Spirou and requested the committee to retire to the Secretary of State's office and attend to its duties.

## RECESS

## COMMITTEE REPORT

The Joint Committee appointed to compare and count the votes for Governor and Councilors reported that it had attended to its duties and the vote was correct.

Sen. James A. Saggiotes  
Rep. Marshall French  
Rep. Chris Spirou

Sen. Saggiotes and Rep. Marshall French offered the following:

RESOLVED, that a committee of ten be appointed by the Speaker to wait upon the Honorable Meldrim Thomson, Jr. and inform him officially of his election as Governor

of the State of New Hampshire, and also to wait upon the Honorable Councilors: Raymond S. Burton, Malcolm, McLane, Dudley W. Dudley, Louis C. D'Allesandro and Bernard A. Streeter, Jr., and inform them officially of their election to the Honorable Council.

Adopted.

The Chair appointed Sens. Brown, Downing and Gardner and Reps. Marshall French, Spirou, Griffin, Chambers, Tucker, Lyons and Flourde.

Sen. Saggiotes and Rep. Marshall French moved that the Joint Convention arise.

Adopted.

#### HOUSE

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 36 through 60 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 36, providing for state reimbursement to cities and towns for certain exemptions upon residential real estate and making an appropriation therefor. (Barrus of Sullivan Dist. 2; Cunningham of Rockingham Dist. 12; LaBonte of Merrimack Dist. 12 - To Ways and Means)

HB 37, relative to the taking of wild deer in the town of Chester. (Benton of Rockingham Dist. 2 - To Fish and Game)

HB 38, requiring an autopsy to be performed on deceased under certain circumstances. (Morgan of Hillsborough Dist. 3 - To Statutory Revision)

HB 39, permitting towns to appropriate money for day care centers. (French of Belknap Dist. 1 - To Municipal and County Government)

HB 40, legalizing a certain special town meeting in Lee. (Sackett of Strafford Dist. 4 - To Municipal and County Government)

HB 41, amending the interest and dividends tax by raising the rate and increasing exemptions. (McLane of Merrimack Dist. 16 - To Ways and Means)

HB 42, eliminating the authority of the water supply and pollution control commission over single lot building if town or city has its own zoning or other development controls. (Greene of Rockingham Dist. 17 - To Resources, Recreation And Development)

HB 43, relative to the service tax exemptions for real estate taxes. (Sanborn of Rockingham Dist. 9 - To Claims, Military and Veterans Affairs)

HB 44, establishing a legislative committee to study the feasibility of the state purchasing large farms on the open market and leasing same to individuals

desirous of farming. (Bisbee of Rockingham Dist. 4 - To Environment and Agriculture)

HB 45, relative to the sale of nonalcoholic and malt beverages in returnable containers. (Chandler of Merrimack Dist. 3 - To Commerce and Consumer Affairs)

HB 46, establishing a special committee to study alternate forms of county government and making an appropriation therefor. (Hanson of Merrimack Dist. 5 - To Municipal and County Government)

HB 47, establishing a fourth New Hampshire song. (Benton of Rockingham Dist. 2 - To Claims, Military and Veterans Affairs.)

HB 48, repealing the current use assessment law. (Cote of Hillsborough Dist. 28 - To Environment and Agriculture.)

HB 49, relative to the procedures for the filling of vacancies in certain elected offices. (Gemmell of Grafton Dist. 10 - To Statutory Revision)

HB 50, establishing a toll on aviation jet fuel of one cent per gallon. (Sanborn of Rockingham Dist. 9 - To Ways and Means)

HB 51, relative to stamping ballots in elections. (Hess of Merrimack Dist. 6 - To Statutory Revision)

HB 52, relative to a person's property rights after his conviction for cruelty to animals. (Sabbow of Belknap Dist. 6 - To Judiciary)

HB 53, making local zoning ordinances and restrictions applicable to the state and its political subdivisions. (Shapiro of Merrimack Dist. 20 - To Municipal and County Government)

HB 54, relative to the administrative procedures act. (Dickinson of Carroll Dist. 2; Sen Bossie of Dist. 20 - To Executive Departments and Administration)

HB 55, providing that the preparation and publication of a list of certain real estate tax assessments shall be determined by the legislative body of any town. (Dickinson of Carroll Dist. 2 - To Municipal and County Government)

HB 56, relative to secret ballots at town meeting. (Dickinson of Carroll Dist. 2; Sanborn of Rockingham Dist. 9; Sackett of Strafford Dist. 4 - To Municipal and County Government)

HB 57, relative to security deposits of tenants of residential premises. (Parr of Rockingham Dist. 12; Gould of Rockingham Dist. 4 - To Commerce and Consumer Affairs)

HB 58, relative to the form of ballots for election of delegates to the national convention. (McLane of Merrimack Dist. 16 - To Statutory Revision)

HB 59, expanding the exceptions on real estate taxes for the elderly. (French of Belknap Dist. 1 - To Ways and Means)

HB 60, relating to registration and examination fees for professional engineers. (Sanborn of Rockingham Dist. 9; Crory of Grafton Dist. 13; Copenhaver of Grafton Dist. 13; Lyons of Hillsborough Dist. 13 - To Commerce and Consumer Affairs)

## COMMUNICATIONS

Mr. James A. Chandler, Clerk

On December 29, 1976, the following representatives-elect appeared before the Governor and Council and were sworn into office:

Hillsborough County District No. 25  
Greta M. Ainley, Manchester - Ward 1;  
Coos County District No. 5 - Otto H. Oleson, Gorham.

December 16, 1976:

Hillsborough County District No. 31 -  
Emile E. Boisvert, Manchester - Ward 7;  
Merrimack County District No. 21 -  
Charles E. Pratt, Concord, Ward 8.  
William M. Gardner  
Secretary of State

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Hon. George B. Roberts, Jr., Speaker

Effective calendar date December 8, 1976, William M. Gardner of Hillsborough County, District 30, has resigned his seat in the Legislature.

William M. Gardner

Rep. Marshall French and Spirou moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 3

*Thursday, 6Jan77*

The House met at 11:00 a.m.

Prayer was offered by Rev. Milton, L. Smith, Sr.

Good morning Lord. It is a good day to be alive. We want to be alive not merely to react but to respond to life. We want to have a positive and creative influence on the times we are born to be a part of. Someone has said, "The only difference between men and boys is the price of the toys." Well, Lord, there is very little poetry but a great deal of truth in such words. Dear God, source and giver of wisdom and truth, bring forth these divine gifts from each of us. It is the season for taking up not with toys but the tools of government and uniting our hearts and minds in one great purpose, to serve our state and our people, with our best efforts. Oh God have mercy on us when we give in to selfish interests. Lead us with Your Spirit to this high moment with a renewed commitment to do your Will. So help us God. Amen!

Rep. Fortier led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. James Herchek, Cotton, Cecelia Winn, John Winn and Seamans, the day, illness.

Reps. Campbell, Ayles, Mann, Bowler, Bernier, Stefanides, Ellis, Chapman, James Humphrey, Zabarsky, Bellemore, Raymond Conley and Ainley, the day, important business.

Reps. Marshall French and Griffin offered the following:

Resolved, that the Honorable Senate be notified that the House of Representatives will be ready to meet with the Senate in Joint Convention at 11:45 o'clock for the purpose of administering the oath of office to the Governor-elect and Councilors-elect, to hear any communication the Governor-elect may be pleased to make, and for the transaction of any other business as may properly come before such convention.

Adopted.

## RECESS

## SENATE MESSAGE

The Senate is ready to meet with the Honorable House at 11:45 o'clock for the purpose of administering the oath of office to the Governor-elect and Councilors-elect, to hear any communication the Governor-elect may be pleased to make, and for the transaction of such other business as may properly come before such Convention.

## JOINT CONVENTION (Speaker Presiding)

The Joint Committee appointed to wait upon the Honorable Meldrim Thomson, Jr., and inform him officially of his election as Governor of the State of New Hampshire reports that it has attended to its duty; that the Governor-elect has accepted the said office and will meet the Senate and House of Representatives in Convention at the earliest convenient time to take the oath of office and make such communication as he deems proper; and further reports that it has attended to its duties of waiting upon the Councilors and informing them officially of their election to the Honorable Council.

The Sergeant-at-Arms announced the entrance of the following guests:

The Justices of the Honorable Superior Court and their ladies; the Justices of the Honorable Supreme Court and their ladies; members and former members of the Congressional Delegation; the Secretary of State and Attorney General; the Governor's personal military staff and their escorts; Mrs. Margaret Roberts, and Mrs. Helena Roberts, wife and mother of the Speaker of the House; the First Lady, Mrs. Gale Thomson, and members of the Governor's family.

The Sergeant-at-Arms announced the entrance of the House Leadership:

Reps. Ruth Griffin, Majority Whip, Mary Chambers, Assistant Minority Leader; Elaine Lyons, Assistant Majority Leader; Chris Spirou, Minority Leader and Marshall French, Majority Leader.

The Sergeant-at-Arms announced the entrance of the President of the Senate.

The Sergeant-at-Arms announced the entrance of the Councilors-elect.

The Sergeant-at-Arms announced the entrance of His Excellency Meldrim Thomson, Jr., Governor-elect, escorted by Maj. Gen. John Blatsos, the Adjutant General.

## INAUGURATION

The Invocation was offered by The Right Reverend Philip A. Smith, Bishop of the Diocese of New Hampshire.

The President of the Senate, Alf E. Jacobson, administered the oath of office to the Governor-elect, Meldrim Thomson, Jr., proclaimed Mr. Thomson Governor, and presented him with a copy of the state constitution.

A prayer for peace was then offered by Reverend Jerry D. Rassias, St. George's Greek Orthodox Cathedral.

His Excellency the Governor, then administered the oath of office to the Honorable Councilors.

Posting of the colors was performed by The First New Hampshire Continental Militia.

The chorus from the Odyssey House, Hampton sang The Battle Hymn of the Republic.



A Prayer of Thanksgiving was then offered by Rabbi Samuel Umen, Temple Adath Yeshurun.

The Governor then delivered his inaugural address as follows:

Mr. Speaker, Mr. President, Honorable Councilors, Justices, and Members of the General Court:

In the beautiful Book of Proverbs we are told that "before honor is humility."

It is with a deep sense of humility that I accept the opportunity and the challenge of this moment to begin a third term of service for all of our people:

An opportunity to stretch for new horizons of benevolence, justice, economy, industry, and all of the social virtues which our Founding Fathers described in our State Constitution as necessary to preserve the blessings of liberty and good government!

A challenge to stand firmly on our sovereign soil against the rapacious onslaught of federal bureaucracy as we seek to preserve all that is good in our state economy and all that is precious in our scenic splendor, while moving resolutely forward in moral, scientific, and industrial progress!

There is something rare and special about New Hampshire today that is bringing to our countryside a unique prosperity.

It is vital to our future well being that we preserve our favorable tax climate and friendly attitude toward business.

A steady and sound industrial growth assures our people of good jobs.

It is to the business community that we look for the creation of wealth.

Prosperity flourishes where management and labor work in harmony, as they do here in New Hampshire, to create the goods that mankind wants or needs.

As business and industry prospers we can under our Business Profits Tax expect our state revenues to grow.

We can no longer depend on racing and liquor revenues to increase at the bold rates of the past few years.

But, with the continued expansion of industry in New Hampshire we can expect the Business Profits Tax to supplant liquor as our single largest source of state revenue.

Since this tax was enacted in 1970 its revenues have doubled. It is estimated that business profits revenues will produce \$30.5 million for fiscal 1977.

This source of revenue should continue its substantial growth in the biennium ahead, providing that the United States economy does not take a drastic turn for the worse during the next two years.

With expanding business profits revenues and a readjustment in some of our current sources of income, we should be able to anticipate \$20 to \$25 million more per year for the general fund revenues of the 1978-1979 budget than at present.

This should be adequate to preserve our current state services and allow for modest growth in such priority areas as the Laconia School, pay raises for state employees, and help for the elderly.

To ask more of our taxpayers at a time when the value of their dollars has eroded by inflation from 100 cents in 1967 to 58 cents today would be to teeter on fiscal tyranny.

Those public officials who dream of the avalanche of revenue that might overspread the State were a sales and/or income tax to be enacted should remember that the purchasing power of the average working man's wage has not increased one thin dime in the last ten years.

According to the latest IRS figures for New Hampshire, \$385.5 million was paid by our people in federal income taxes in 1973. This was derived from 248.7 thousand taxpayers.

More than half of this heavy tax burden, or \$207 million, was extracted from 112 thousand taxpayers whose income ranged from \$10,000 to \$25,000.

In New Hampshire those taxpayers whose income spreads from \$10,000 to \$25,000, constitute the fiscal backbone of the state. This middle income class is already bent under the heavy load of inflation and taxation.

These people must not be crushed by any greater burdens. Rather we in public office should checkrein our spending proclivities.

In summary, the economy of New Hampshire is sound. Its prospect for steady improvement is excellent. It is the envy of other states.

Our growing economy is due in part to our healthy tax climate which encouraged industrial expansion. From business and industry we can expect to receive an increasing proportion of our state revenues in the form of Business Profits taxes.

If we continue to curb vigorously government spending we will be able to protect our taxpayers with the lowest per capita state taxes in the nation while still providing essential human services.

It is the state of our economy to which I would briefly summon your attention today.

When our state was still young and Republicans first came to power in 1857, Governor William Haile of Hinsdale, created a House Committee on Retrenchment and Reform.

Its purpose was to curb the entrenched power of 40 years of unchallenged control and waste by the Democrats of that era who had dominated politics in New Hampshire against an ineffectual Whig Party.

The committee continued with varying success, its prestige rising and falling with the shifting tides of economy. It died at the ripe age of 70 years in 1927 when Harold T. Davison of Haverhill became Speaker of the House.

Probably the greatest success of the committee on retrenchment and reform occurred in 1907 when Representative

Robert P. Bass of Peterboro was appointed chairman by Speaker Bertram Ellis of Keene.

Ellis, we are told by our Legislative Historian, Leon Anderson, was anxious to sidetrack the "youthful progressive upstart" Bass who was later to become Governor.

But Bass took his assignment seriously. After a vigorous ten weeks of investigation and study of state government, he made a startling and far-reaching report of 45 pages that led to a number of sound reforms in state government.

Perhaps one of the few living observers of the Bass Committee reforms is the vigorous 86 year old Laconia Publisher Edward J. Gallagher. As a young State House reporter of 16, Gallagher saw his dream for a \$100 legislative subsidy for several weekly columns disappear in the smoke of retrenchment.

Frugality and retrenchment in government are not popular with the public in times of relative prosperity. They are never acceptable to the multitudinous pressure groups.

Our Founding Fathers must have had those human characteristics in mind when they hung out their Constitutional signs in Part I, Article 38, and Part II, Article 83, admonishing our citizens to practice frugality, economy and industry.

A majority of them lived close to their bibles and so were familiar with its suggestion, "Go to the Ant, Thou sluggard; consider her ways, and be wise."

If in the past four years the Legislature had followed the way of the ant who works diligently and conserves faithfully, we would not now be concerned with a possible budget deficit of \$5 million by the end of this fiscal year.

We have taken some strong economy steps at the Executive level and will soon be taking others if we have the concurrence of the Advisory Budget Committee.

It would be most unfortunate and clearly unnecessary to complete this year in deficit if we are but willing to tighten now the state's fiscal belt.

In the last four years our revenue condition was healthy and robust compared to that of some of our sister states.

While Massachusetts and Connecticut struggled with soaring deficits and rising taxes; with Vermont and Maine suffering similar cases of fiscal bends, we in New Hampshire experienced a sharp rise in our revenues.

For example, our gross revenues rose from \$295 million in fiscal 1973 to an estimated \$442 million for this fiscal year of 1977. That is a 49.8 percent increase in four years.

In the same period the general fund revenue increased from \$122 million in 1973 to \$153 million in 1977. That is an increase of 25.4 per cent.

Part of the gross revenue increase was due to our federal revenue sharing windfall. Part came from a substantial accretion in revenue.

We should mark well that except for a few minor adjustments in fees and loopholes in our statutes, none of this came from new taxes.

In fact, the only substantial tax increase in the last four years - that of about \$12 million - was made necessary to fill the revenue void created when the United States Supreme Court held the Commuter Tax unconstitutional.

All of us who served in these four years past can justly be proud of the priority emphasis given to human services.

For example, general fund appropriations for the State Hospital rose by more than 100 percent, from \$9.2 million in fiscal 1973 to \$18.8 million in fiscal 1977. At the same time the patient load dropped 33 percent from 1,457 in 1973 to 970 to date.

The appropriation for the Laconia State School almost doubled in that four year period from \$3.6 million in 1973 to \$6.9 million in 1977.

Our public education effort increased from \$15.1 million in 1973 to \$18.8 million in 1977. Here the increase was 24.5 percent.

With modest gratification I would point out that during this same four year period the gross appropriations for the Governor's Office rose from \$212,000 to \$222,000 for a total percentage increase of only 4.7 per cent.

As I had occasion to stress in the late campaign when reckless charges of extravagance were directed to the Governor's Office, substantial increases were due to unsolicited federal funds for the Disaster, Energy, Health Planning, Human Resources, Manpower and other offices created by Federal Statutes.

These federal funds rose from \$2.9 million in 1973 to \$7.7 million in 1976. And this large increase in federal funding was managed by just two more persons than the 63 required to administer the \$2.9 million in federal monies under the custody of the Governor's Office prior to 1973.

One of the most difficult aspects of public budget making is to tailor the wants of executive departments and agencies to fit the size of state revenues.

Public Frugality begins with a balanced budget.

An occupational hazard that afflicts many bureaucrats springs from the laudable desire to expand their services to the public.

More often than not their gluttony for the public's tax dollars leads to a costly and corpulent figure.

The current requests of our executive agencies for the fiscal biennium budget of 1978 - 1979 would, if authorized by the Legislature, propel New Hampshire into our first billion dollar plus budget.

To be exact, the agencies have asked for gross appropriations of \$1.1 billion for fiscal 1978 - 1979. That would be an increase of 32.8 percent or \$289 million in just one biennium.

In personnel alone the requested increase for 1978 - 1979 is for 1,296 new permanent employees. It would raise our present total of permanent state employees from 8,414 to 9,710.

Salaries for such an increase in personnel would require an annual appropriation in excess of \$10 million.

Again, I strongly recommend to the Legislature that at this time we can make a better use of our resources by increasing the pay of our present employees rather than adding more to their numbers.

In 1973 I urged that the increase in permanent state employees be held to 183 persons. The Legislature saw fit to provide for 685 new positions.

Again in 1975 I suggested that the increase in new state employees be kept at 335. Instead the Legislature authorized 682 new employees for the current biennium.

Today we are committed to an expenditure of about \$7 million a year more than I suggested - \$7 million which we could have used to add to the pay of our long time and dedicated state employees.

Also, in 1973 I recommended that the Legislature retain a budget surplus of \$3.1 million. I suggested an even more modest surplus of \$1.4 million in 1975.

Instead, the Legislature provided for an estimated surplus of only \$1.7 million for fiscal 1974 - 1975 at the end of the 1974 Special Session, and only a whiff of a surplus of \$400 thousand for the current biennium.

Those who insist on skating over a thin budget surplus, risk immersion in the cold waters of public deficit.

Fiscal integrity, like the ol' Man of the Mountain, has long been a symbol of rugged independence in New Hampshire.

Our Founding Fathers built into our Constitution of 1784 an abiding sense of economy that has permeated our body politic for almost two centuries.

Born of a deep respect for the hard earned dollars of our taxpayers, the drafters of that Constitution constructed many safeguards - proportionate taxation, a large Legislature whose members are close to their constituents, the power of veto, and a strict accountability - all calculated to hold in check the cost of government.

Thus, the ingrained frugality of our people and our wise constitutional safeguards have protected us from the excessive government spending that inevitably accompanies the enactment of general sales and income taxes.

This created in time a favorable tax climate in New Hampshire for both corporate and individual taxpayers.

This unique climate only recently has come to the attention of millions of persons beyond our borders.

As those profligate companions of broad base taxes; namely, excess government spending, onerous public debt, and burdensome exactions drove municipalities and states to the brink of

bankruptcy, New Hampshire's beacon of fiscal integrity attracted the attention of millions.

Others see in New Hampshire's economy virtues which they long ago lost.

For example, they envy us for our lowest in the nation per capita state tax, the absence of either a sales or income tax, our 3.1 unemployment rate, the triple A bond rating, our surplus employment security fund and our fifth lowest in the nation of total expenditures.

New Hampshire is now seen by many as a bright interval of economic hope in the midst of darkened mountains of despair.

This accounts for the record number of 59 new industries that moved to New Hampshire in the bicentennial year of 1976.

The employees of those industries, the construction jobs their building programs are generating, and the expansion of resident companies, adds up to approximately ten thousand new, good paying jobs in our free enterprise system.

Nor do these figures include the total of 3,000 jobs that will be at Seabrook Station within a year if a clear go ahead is signaled from the Carter administration in the near future.

As we approach the bright prospect for new services to our fellow citizens, I sincerely hope that we might do it in the spirit of the Lord who said to Isaiah:

"Come now, and let us reason together."

It shall be my goal in the months ahead to be ready at all times to reason with each and all of you as you may wish. In so doing I shall always try to be reasonable.

In conclusion, permit me to outline several major issues which I hope we can work together for the benefit of our fellow citizens. The listing of these items is not exclusive.

Taxation. There will be no general sales or income tax in New Hampshire during the next two years.

Also, I would strongly oppose any attempt to change the Business Profits Tax rate.

We are studying now several changes in our present tax structure for a bill which we hope to submit for your consideration within several weeks.

For example, we're considering an increase of the interest and dividend tax from 4 1/4 percent to 5 percent.

This would permit an exemption of \$1,200 for persons over 65 years of age and for blind persons. At the same time it would produce an estimated extra income for our towns of \$700 thousand per year.

Another area of readjustment might be the real estate transfer tax. We are convinced that if properly administered and with minor rate changes this tax could produce from \$300 to \$500 thousand in new state revenue.

Fees are another source of change that we are studying. The fees for services in the different agencies no longer pay in many instances for services the state now renders.



Retrenchment and Reform. Your legislative history indicates that the old Committee on Retrenchment and Reform served for 70 years as an effective monitor of government spending.

The Committee should be revived at once. I plan to create such a Committee by Executive Order and I hope that you might do the same at the legislative level.

We believe there are countless economies that could be instituted in state government.

For example, car pooling, restricted use of telephones, cutting back on use of state cars, eliminating and simplifying state forms are only a few areas to which a retrenchment committee could address itself.

In the area of reform we shall be working both from the executive level and through proposed legislation on zero base budgeting, a sunset law, performance review, reduction of forms and the restructuring of personnel rules as they have been affected by the new Public Employees Act.

Federal Grants. Ubiquitous Federal grants have become a crutch to the economy of many states.

If we do not bestir ourselves against the persistent and overwhelming dosages of federal handouts there will come one day when our dependence on this source of revenue will destroy our few remaining vestiges of state sovereignty, and with it our personal liberties.

Too often our spending priorities are established by the availability of federal funds rather than by a determination of need.

A multitude of federal grants flood our state without any accountability to your honorable Bodies or to the Governor and Council. These are the precious dollars of our taxpayers that too often are allocated by federal bureaucrats to senseless and wasteful projects to which our citizens would strenuously object if they knew about them.

While I doubt that we could prevent the awarding of frivolous grants by Congress and its bureaucracy, there is no reason why we could not require by state law that all federal grants going to any person or body in New Hampshire would have to be recorded with the Coordinator of Federal Funds.

The mere listing to public view all such grants would serve a useful purpose.

Federal Relations. It is important to good government and to our liberties that we take a strong stand favorably for the state sovereignty guaranteed to us by our state and Federal Constitutions.

We successfully resisted the recent attempt of the Coast Guard to take over our lakes and rivers. We must fight with equal vigor against the take over of every stream and puddle in the state by the Army Corps of Engineers.

Energy. In the field of energy there is still much that we can do to conserve our limited supplies. We must insist on the conservation of fuel and light in our

public buildings and encourage it in the private sector.

Also, it is important that we realize New England is at the end of all energy pipelines. If we want to keep industry moving and preserve a semblance of our present way of life we must give all possible support to Seabrook Station and to offshore drilling.

Only from such sources can we expect relief from the high cost of fuel oil, gasoline and electricity.

Crime. Despite the expenditure of more than \$5 billion by the Federal Government since the passage of the Safe Streets Act, crime has continued to escalate at an alarming rate in the nation and here in New Hampshire.

We have chosen the wrong weapons to fight crime. Dollars alone will not do the job. We need to restore fair and firm laws to our books. We must continue to appoint to our judicial benches persons who understand that the end of justice is the protection of society against the misfits and miscreants who would destroy it.

We will be soon presenting to the Legislature bills on capital punishment, to tighten our criminal code, and to save harmless householders who use force to protect their persons and their property.

Education. More than 300 years ago our forefathers recognized the value of public education.

Through regulatory action by our State Board of Education and by statute we will strive again this year to set up a voluntary voucher system to be run and supported by the state instead of the reluctant feds.

We will also seek to emphasize in all public schools instruction in the basic skills of reading, writing and effective math.

And once again we shall endeavor to strengthen parental control over the schools to insure that pornography, witchcraft, and distorted history are eliminated from the classrooms.

Other Bills. We expect to submit to you a comprehensive mineral law, bills that will begin to streamline agencies of government that will begin to move us toward a cabinet form of government, a conflict of interest bill, a reform bill to adjust inequities among unclassified employees -- and I would say with respect to that, the proposal we are working on includes the judiciary, a dynamite storage bill, and amendments to the Public Employees Act that, among other things will open negotiations to public scrutiny.

Finally, may I respectfully suggest that we have all come together here today, each by his own path, to serve a constituency in New Hampshire.

We can best assure our people the blessings of liberty and good government by reading, understanding and -- Yes, Mr. President, by understanding -- hewing to the precepts of our Constitution of 1784.

It should be the lodestar during the long journey of our deliberations.

In the beginning of constitutional time the Founders of this great Sovereign State found need to call upon God's help.

Surely the people's work that we now begin in this third century of liberty will prosper if we pray as did those Founding Fathers of long ago, "God bless the United States of America".

Sens. Saggiotes and Downing and Reps. Marshall French and Spirou offered the following:

Resolved, that the Clerk be instructed to have the address of Governor Meldrim Thomson, Jr., printed in the proceedings of the Joint Convention in the Journal.

Adopted.

A Prayer for a successful administration was then offered by Reverend G. Richard Montfort, Jr., Wentworth Baptist Church.

The benediction was then offered by The Most Reverend Odore Gendron, D.D., Bishop of Manchester.

The Joint Convention arose.

#### HOUSE

(Rep. Marshall French in the Chair)

336 members were recorded as present.

#### RECESS

Rep. Chambers offered the following resolution:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 61 through 76 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 61, providing for payment of a claim to Cpl./Tech. Henry P. Paris, Jr., New Hampshire state police and making an appropriation therefor. (Perkins of Hillsborough Dist. 8 - To Claims, Military and Veterans Affairs)

HB 62, requiring full state maintenance for state route 28 in the town of Salem. (Parolise of Rockingham Dist. 5 - To Public Works)

HB 63, relative to the taking of wild deer with a shotgun and muzzle loading rifle in certain towns and cities. (Boucher of Rockingham Dist. 3 - To Fish and Game.)

HB 64, prohibiting persons from seeking or holding office as a member of the general court and county commissioner at the same time. (Townsend of Sullivan Dist. 1; Quimby of Rockingham Dist. 4 - To Municipal and County Government)

HB 65, relative to the procedure for discharge from employment of the superintendent of the county farm. (Therault of Coos Dist. 9 - To Municipal and County Government)

HB 66, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years. (Cote of Hillsborough Dist. 28 - To Regulated Revenues)

HB 67, requiring that candidates for a given office be listed on the ballot in random order, rather than alphabetical order. (Polak of Hillsborough Dist. 14 - To Statutory Revision)

HB 68, relating to administrative functions of the fish and game department in declaring the opening and closing of seasons relative to fur-bearing animals. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HB 69, relative to the licensing of groomers of domestic animals. (Sabbow of Belknap Dist. 6 - To Commerce and Consumer Affairs)

HB 70, requiring the state to assume Lancaster's ownership interest in a covered bridge between Lancaster, New Hampshire and Lunenburg, Vermont. (Horton of Coos Dist. 3 - To Public Works)

HB 71, to reclassify a certain highway in the city of Dover. (Maglaras of Strafford Dist. 17 - To Transportation)

HB 72, making general revisions of the laws relating to parachuting. (Sanborn of Rockingham Dist. 9 - To Transportation)

HB 73, relative to mental health services for minors. (Blanchette of Rockingham Dist. 14; Hess of Merrimack Dist. 16; Wallin of Hillsborough Dist. 16 - To Health and Welfare)

HB 74, reimbursing the North Conway fire department for search and rescue operations and making an appropriation therefor. (Dickinson of Carroll Dist. 2; Towle of Carroll Dist. 2; Pound of Carroll Dist. 2 - To Claims, Military and Veterans Affairs)

HB 75, relative to purchase exceptions in the department of administration and control. (Skinner of Rockingham Dist. 3-A; Stahl of Hillsborough Dist. 17 - To Executive Departments and Administration)

HB 76, making an appropriation for library development grants. (Skinner of Rockingham Dist. 3-A; Stahl of Hillsborough Dist. 17 - To State Institutions)

#### RECESS

Rep. Griffin offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 77 through 86 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 77, providing for payment of a claim to Jean Bryar and Robert Lamprey, Jr., and making an appropriation therefor. (Smith of Carroll Dist. 3 - To Claims, Military and Veterans Affairs)

HB 78, increasing the fees for hunting and fishing licenses and providing for free licenses for persons 65 years of age or older. (Stimmell of Rockingham Dist. 1; Dickinson of Carroll Dist. 2 - To Fish and Game)

HB 79, relative to the location of cemeteries. (Griffin of Rockingham Dist. 19 - To Statutory Revision)

HB 80, redefining serious bodily injury in the criminal code. (Grassie of Strafford Dist. 12; O'Keefe of Rockingham Dist. 21; Poulin of Coos Dist. 9; Maglaras of Strafford Dist. 17; Ramsey of Strafford Dist. 13 - To Judiciary)

HB 81, increasing the penalty for assault which causes bodily injury. (Grassie of Strafford Dist. 12; O'Keefe of Rockingham Dist. 21; Poulin of Coos Dist. 9; Maglaras of Strafford Dist. 17; Ramsey of Strafford Dist. 13 - To Judiciary)

HB 82, relative to surnames of spouses after marriage. (Griffin of Rockingham Dist. 19 - To Statutory Revision)

HB 83, eliminating the position of chancellor of the university system. (O'Connor of Strafford Dist. 18; Hildreth of Belknap Dist. 6; Cornelius of Grafton Dist. 13 - To Education)

HB 84, relative to temporary loans issued under the municipal finance act. (Bednar of Hillsborough Dist. 14; French of Belknap Dist. 1; Wiggins of Sullivan Dist. 8; Sen. Poulsen of Dist. 2 - To Municipal and County Government)

HB 85, relative to the construction of the Spaulding turnpike extension and making an appropriation therefor. (Ruel of Strafford Dist. 13; Joos of Strafford Dist. 1; Fortier of Coos Dist. 6; Lemire of Coos Dist. 8; Valliere of Coos Dist. 6; Grassie of Strafford Dist. 12; Meader of Strafford Dist. 14; Tripp of Strafford of Dist. 15; Preston of Strafford Dist. 15 - To Public Works)

HB 86, relative to outdoor advertising control along state highways. (Dickinson of Carroll Dist. 2 - To Public Works)

#### SENATE MESSAGE INTRODUCTION OF SENATE BILLS

First, second reading and referral  
SB 9, legalizing a special meeting of the town of Peterborough. (Referred to Municipal and County Government.)

#### RECESS

Rep. Aldrich offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 87 through 92 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF BILLS

First, second reading and referral

HB 87, requiring first aid instructions for pupils between the fifth and eighth grade by a person certified by the red cross. (Goff of Rockingham Dist. 5; Lyons of Hillsborough Dist. 13 - To Education)

HB 88, requiring refunds on soft drink and alcoholic malt beverage containers. (Rogers of Rockingham Dist. 10; Blanchette of Rockingham Dist. 14; O'Neil of Hillsborough Dist. 32; Rice of Merrimack Dist. 20; Foley of Merrimack Dist. 1 - To Commerce and Consumer Affairs)

HB 89, relative to the licensing process and license fees for hospitals and medical institutions or facilities. (Nardi of Hillsborough Dist. 27 - To Health and Welfare)

HB 90, limiting the availability to foreign partnerships of certain trade names. (French of Belknap Dist. 1 - To Commerce and Consumer Affairs)

HB 91, relative to assessing a charge for checks returned to the secretary of state. (French of Belknap Dist. 1 - To Executive Departments and Administration)

HB 92, legalizing a special town meeting in Pittsfield. (Ayles of Merrimack Dist. 8; Stockman of Merrimack Dist. 8; Sen. Gardner of Dist. 4 - To Municipal and County Government)

#### RECESS

Rep. Lyons offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 93 through 100 and Concurrent Resolutions Proposing Constitutional Amendments numbered 6 and 7 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted

#### INTRODUCTION OF HOUSE BILLS AND CACRS

First, second reading and referral

HB 93, relative to the licensing of electrologists. (Ward of Grafton Dist. 1 - To Commerce and Consumer Affairs)

HB 94, allowing town residents to register to vote with the town clerk unless the town votes to be exempt from this requirement. (Tucker of Sullivan Dist. 4; O'Connor of Strafford Dist. 18 - To Statutory Revision)

HB 95, updating the cancer commission enabling act. (Spaulding of Sullivan Dist. 4 - To Health and Welfare)



HB 96, increasing the appropriation for regional vocational education centers. (Krasker of Rockingham Dist. 22; Day of Hillsborough Dist. 26 - To Education)

HB 97, relative to the duty to record the discharge of an attachment upon real estate. (Wiviott of Merrimack Dist. 16 To Statutory Revision)

HB 98, relative to an agency's readoption of edited rules and relative to notice requirements in the rule adoption procedure. (O'Connor of Strafford Dist. 18 - To Executive Departments and Administration)

HB 99, relative to permitting an accountant to advertise. (Chandler of Merrimack Dist. 3 - To Commerce and Consumer Affairs)

HB 100, relative to placing the Exeter police department under the control of the town manager. (Niebling of Rockingham Dist. 13 - To Municipal and County Government)

CACR 6, relating to meetings of the Legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 90 legislative days during the biennium. (Tucker of Sullivan Dist. 4; O'Connor of Strafford Dist. 18 - To Constitutional Revision)

CACR 7, relating to restrictions on highway fund expenditures. Providing that highway revenues may be used for all transportation systems. (Foley of Merrimack Dist. 1; Carpenito of Rockingham Dist. 5 - To Constitutional Revision)

#### RECESS

Rep. Lamy offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 101 through 119 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 101, enabling towns to join together for the purpose of watershed management. (Dickinson of Carroll Dist. 2; Claflin of Carroll Dist. 4; Copenhaver of Grafton Dist. 13; Richardson of Hillsborough Dist. 5; Sen. Poulsen of Dist. 12 - To Resources, Recreation and Development)

HB 102, prohibiting the removal of serial numbers from certain products. (Waters of Merrimack Dist. 9 - To Commerce and Consumer Affairs)

HB 103, relative to licensing fees for real estate brokers and salesmen. (Kashulines of Rockingham Dist. 3-A - To Commerce and Consumer Affairs)

HB 104, providing for the disposal of certain fish, game, fur-bearing animals and marine species. (Smith of Merrimack Dist. 21 - To Fish and Game)

HB 105, relative to the revocation and suspension of hunting and fishing licenses pending appeal of conviction of fish and game regulation violation and the statutes relative to littering. (Smith of Merrimack Dist. 21 - To Fish and Game)

HB 106, relative to the appointment of medical referees by county commissioners. (Benton of Rockingham Dist. 2 - To Municipal and County Government)

HB 107, relative to publicly funded relief for volunteer ambulance drivers. (Gordon of Cheshire Dist. 8; Fillback of Cheshire Dist. 7; Whipple of Cheshire Dist. 4 - To Municipal and County Government)

HB 108, permitting the liquor commission to issue a special license to certain bowling centers to serve liquor and beverages. (Logan of Grafton Dist. 14 - To Regulated Revenues)

HB 109, designating "New Hampshire's Granite State" as a state song. (Boucher of Rockingham Dist. 3; Gaskill of Rockingham Dist. 3; Day of Rockingham Dist. 3 - To Claims, Military and Veterans Affairs)

HB 110, reclassifying a certain highway in the city of Somersworth. (Nadeau of Strafford Dist. 10 - To Public Works)

HB 111, establishing a local-state educational assessment program and making an appropriation therefor. (Richardson of Hillsborough Dist. 5 - To Education)

HB 112, establishing an education voucher program. (Taffe of Grafton Dist. 5 - To Education)

HB 113, relative to retirement credit of William J. Byrne. (Spirou of Hillsborough Dist. 27; Shapiro of Merrimack Dist. 20 - To Claims, Military and Veterans Affairs)

HB 114, establishing a food-service code in regulating food-service establishments and making an appropriation therefor. (Lynch of Cheshire Dist. 12 - To Health and Welfare)

HB 115, stipulating that any local tax payment made by a check returned for insufficient funds is deemed a non-payment of the tax bill. (Bednar of Hillsborough Dist. 14 - To Municipal and County Government)

HB 116, relative to the taxation procedure in village districts. (Bednar of Hillsborough Dist. 14 - To Municipal and County Government)

HB 117, relative to a town's authority to appropriate for school purposes. (Bednar of Hillsborough Dist. 14 - To Municipal and County Government)

HB 118, restricting deer hunting in the lakeshore area of the town of Alton. (Sanders of Belknap Dist. 4 - To Fish and Game)

HB 119, authorizing the position of hearing officer in the department of education. (Brack of Hillsborough Dist. 28; Taffe of Grafton Dist. 5 - To Education)

## RECESS

Rep. Aldrich offered the following:  
RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 120 through 148 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 120, making a supplemental appropriation for the board of registration for professional engineers. (Lyons of Hillsborough Dist. 13; Scamman of Rockingham Dist. 15; Sanborn of Rockingham Dist. 9; Copenhaver of Grafton Dist. 13; Crory of Grafton Dist. 13 - To Appropriations)

HB 121, relative to town officers' associations. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 122, relative to the duties of town tax collectors. (Huggins of Coos Dist. 1 - To Municipal and County Government)

HB 123, relating to the establishment of public convenience offices by banks. (Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 124, exempting certain New Hampshire residents 65 years of age or older from the school tax. (Polak of Hillsborough Dist. 14; Kashulines of Rockingham Dist. 3-A - To Ways and Means)

HB 125, establishing standards for determining death for purposes of the anatomical gifts act. (Hess of Merrimack Dist. 6 - To Judiciary)

HB 126, relating to certain acts prohibited by insurance company officers and directors. (Burns of Coos Dist. 4 - To Commerce and Consumer Affairs)

HB 127, requiring proof of residency in order to register and to vote. (Parr of Rockingham Dist. 12; Norton of Rockingham Dist. 12 - To Statutory Revision)

HB 128, making illegal minimum fee charges by all public utilities. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 129, exempting certain persons from the laws relative to exposing minors to harmful material. (Skinner of Rockingham Dist. 3-A; Stahl of Hillsborough Dist. 17 - To Health and Welfare)

HB 130, relative to railroad warning signs on the state highway system. (Hoar of Rockingham Dist. 8 - To Transportation)

HB 131, providing a different method of collecting penalties due the state for late certification filing of certain tax information. (Bednar of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3 - To Ways and Means)

HB 132, prohibiting the transfer of property within 3 years of applying for town assistance. (Hunt of Coos Dist. 2; Woodward of Coos Dist. 2 - To Municipal and County Government)

HB 133, prohibiting self-sustaining departments of municipal government from exceeding appropriations voted for their departments without complying with the provisions of RSA 32:10-a. (Bednar of Hillsborough Dist. 14; Callahan of Cheshire Dist. 2 - To Municipal and County Government)

HB 134, permitting each town discretionary power to determine whether the trustees of trust funds publish a full or a summary report in the annual town report. (Bednar of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3 - To Municipal and County Government)

HB 135, providing that the fees collected from general educational development tests and fire service training programs shall be used to support said programs. (Valley of Strafford Dist. 20 - To Education)

HB 136, providing for a 3-day nonresident small game hunting license. (Huggins of Coos Dist. 1 - To Fish and Game)

HB 137, requiring permission from the trap owner and a conservation officer in the trapping district before a duly licensed trapper may tend another trapper's traps. (Huggins of Coos Dist. 1 - To Fish and Game)

HB 138, defining bodies of water 10 acres or more for the purpose of trapping. (Huggins of Coos Dist. 1 - To Fish and Game)

HB 139, providing for the filing and public availability of checklists after every biennial election. (Day of Hillsborough Dist. 26; Krasker of Rockingham Dist. 22; Hartford of Rockingham Dist. 17 - To Statutory Revision)

HB 140, eliminating the requirement that at least one city or town intervene between an absentee voter and the place in which he is legally entitled to vote. (Day of Hillsborough Dist. 26; Krasker of Rockingham Dist. 22; Hartford of Rockingham Dist. 17 - To Statutory Revision)

HB 141, clarifying the authority to maintain traffic control upon entering the state highway system. (Waters of Merrimack Dist. 9 - To Public Works)

HB 142, limiting smoking in places of public assembly to designated areas. (Krasker of Rockingham Dist. 22; Day of Hillsborough Dist. 26; Griffin of Rockingham Dist. 19; Taylor of Grafton Dist. 9 - To Health and Welfare)

HB 143, requiring a permit and fee for a commercial fishing tournament or contest. (Pratt of Merrimack Dist. 21 - To Fish and Game)

HB 144, relative to property taxes on house trailers, travel trailers or mobile homes used for seasonal recreation accommodations. (Chandler of Merrimack Dist. 3 - To Municipal and County Government)

HB 145, making kindergartens mandatory. (Goff of Rockingham Dist. 5 - To Education.)



HB 146, relative to the rights of parents and guardians of pupils. (Goff of Rockingham Dist. 5 - To Education)

HB 147, relative to the employment of an auditor by a school district. (Taffe of Grafton Dist. 5 - To Education)

HB 148, relative to recording all changes in ownership of real property with the registry of deeds. (Carswell of Hillsborough Dist. 13; Lyons of Hillsborough Dist. 13 - To Municipal and County Government)

Rep. Marshall French moved that the House adjourn.

Adopted.

#### COMMITTEE APPOINTMENTS

##### COMMITTEE ON APPROPRIATIONS

###### Republicans

Tucker, John B., Chairman  
Hough, Ralph Degnan, Vice Chairman  
Scamman, W. Douglas, Jr.  
Ainley, Greta M.  
Kidder, William F.  
LaMott, Paul I.  
Scranton, Andrea A.  
Richardson, Mabel L.  
Sackett, Everett B.  
Hanson, Michael C.  
Palmer, Walter H.  
Snell, Fred W.  
Wiviott, Max D.

###### Democrats

Goff, Elizabeth E.  
Maynard, Ralph C.  
Nardi, Theodora P.  
Normand, James A.  
Boisvert, Wilfrid A.  
Hildreth, Peter C.  
Patenaude, Richard A.  
Ramsay, Margaret A.  
Wilson, Allen P.  
Woodward, Neila P.

##### COMMITTEE ON CLAIMS,

##### MILITARY AND VETERANS AFFAIRS

###### Republicans

Benton, Richardson D., Chairman  
Whipple, Daley E., Vice Chairman  
Conley, Raymond K., Jr.  
Eaton, Myrl R.  
Parr, Edna Pearl F.  
Fillback, Armas W.  
Paradis, Aime H.  
Gordon, Irvin H.  
Norton, Ashton J.  
Riley, Paul J.

###### Democrats

Parolise, Joseph L.  
Simard, Andre J.  
Levesque, Maurice J.  
Bellerose, Edgar G.  
Boucher, Roland R.  
Coughlin, Peter J.  
Dion, Arline L.  
Soucy, George A.

##### COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

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Chapman, Frederick A., Vice Chairman  
Burns, Harold W.  
Logan, James L.  
Boucher, Laurent J.  
Ward, Kathleen W.  
Found, M. Susan  
Hogan, James B.  
Hynes, Thomas W.  
Lefavour, Walter T.  
Parker, Peter, Jr.

###### Democrats

Lamy, Catherine G.  
Burrows, Adolph J.  
Gelinas, David L.  
Plourde, Robert E.  
Baker, George H., Sr.  
Crory, Elizabeth L.  
Pucci, Phyllis J.  
Plomaritis, Claire  
Rossley, Bruce P.

##### COMMITTEE ON CONSTITUTIONAL REVISION

###### Republicans

Eaton, Joseph M. Sr., Chairman  
Hess, Judith Ann, Vice Chairman  
Buckman, Harold V.  
Wiggins, George I.  
Colson, Dorothy Foss  
Corser, John B., Jr.  
Seamans, Henry J., Sr.  
Foley, James L.  
Morrison, Gail C.  
Slack, Thomas C.

###### Democrats

Bernier, Leo R.  
Cullity, William J.  
Joncas, Grace L.  
Maloomian, Helen  
O'Keefe, Michael J.  
Healy, George T.  
Matson, William R.  
Stefanides, Steven A.

##### COMMITTEE ON EDUCATION

###### Republicans

Gemmill, John K., Chairman  
Boucher, William P., Vice Chairman  
Van Loan, Anna S.  
Beard, Charles W.  
Keefe, Edmund M.  
Richardson, Henry B.  
Torey, Janet B.  
Chandler, John P.H., Jr.  
Moore, Robert W., Jr.  
Taffe, Betty Jo  
Valley, Iris

###### Democrats

Lessard, Leo E.  
Day, Catherine-Ann  
Joos, Victor J., Sr.  
Krasker, Elaine S.  
LeBrun, Donald H.  
White, Shirley J.  
Brack, Rita M.  
Dionne, Gary S.  
Gray, Sim R.

COMMITTEE ON  
ENVIRONMENT AND AGRICULTURE  
Republicans

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Barrus, George A., Vice Chairman  
Campbell, Marilyn R.  
Rogers, Myrtle B.  
Bowler, Barbara B.  
Cate, John O.  
Allen, Ira E.  
Bisbee, Kenneth M.  
Cate, George H.  
Haynes, Bradley  
Nelson, Ralph E.  
Wheeler, Emma B.

Democrats

DeCesare, Grace L.  
Horrigan, James O.  
Niebling, Richard F.  
Blakeney, G. Robertson, Jr.  
Kelly, George M.  
Smith, Edward F.  
Stomberg, Carol  
Terry, Joan E.  
Zabarsky, Joyce R.

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DEPARTMENTS AND ADMINISTRATION  
Republicans

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Townsend, Sara M., Vice Chairman  
Hoar, John, Jr.  
Lucas, Jay S.  
Aldrich, Frederick C.  
Bosse, Leigh D.  
Dearborn, Robert W.  
Smith, Donald H.  
Trachy, Stuart D.  
Vrakatitsis, Zoe  
Watson, Geraldine G.

Democrats

O'Connor, Roderick H.  
Cornelius, Michael R.  
Ziakas, Louis J., Sr.  
Brody, Sharon E.  
Carroll, Maura  
Dion, L. Penny  
Herchek, James C.  
Laycock, Beatrice M.  
McEachern, Donna J.

COMMITTEE ON FISH AND GAME  
Republicans

Stimmell, John H., Chairman  
Wolfsen, Franklin G., Vice Chairman  
Scott, Jesse W.  
Huggins, Harry F.  
Randall, Anthony T.  
Webster, Clarence L.  
Thomson, Harold E.  
Wiswell, Marguerite H.  
Felch, Charles H., Sr.  
Pratt, Charles E.  
Smith, Gerald R.

Democrats

Hunt, Roger L.  
Polak, Andrew J.  
Brodeur, Robert J.  
Sabbow, Fritz T.

Quigley, John P.  
Bellemore, Albert J., Jr.  
O'Connor, Kerry K.  
St. George, Judith M.  
Therault, Romeo J.

COMMITTEE ON HEALTH AND WELFARE  
Republicans

Spaulding, Roma A., Chairman  
Wilson, Helen E., Vice Chairman  
Nighswander, Esther R.  
Appleby, James E.  
Gaskill, Peter C.  
Murray, Fred E.  
Alter, Frederick J.  
Knight, Alice Tirrell  
Townsend, Madeline G.  
Willey, Edward C., Jr.

Democrats

Daniell, Eugene S., Jr.  
Blanchette, Patricia J.  
Ralph, Katharine J.  
Lynch, William F.  
Copenhaver, Marion L.  
Cote, Margaret S.  
LaPlante, Louis P.  
Dostilio, Francis A.

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Republicans

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Griffin, Ruth L., Vice Chairman  
Appel, Melissa A.  
Kashulines, Juanita E.  
Chase, Thomas H.  
Connolly, Mark  
Sanders, Jane F.

Democrats

Russell, Patricia T.  
Cote, Joseph L.  
Mullin, George R.  
Pelton, Susan W.  
Wiggin, Terry L.  
Woodard, Michael S.

COMMITTEE ON JUDICIARY  
Republicans

Frizzell, Martha McD., Chairman  
Perkins, Arthur W., Vice Chairman  
Record, Louis D., Jr.  
Arnold, John P.  
Ayles, Kenard F.  
Mansfield, Wilson S.  
Martin, Josephine C.  
Shapiro, R. Peter  
Currier, Philip R.  
Aller, Douglas J.  
Keough, George H.  
Lewko, Alexander P.

Democrats

Healy, Daniel J.  
Riley, Doris J.  
Bodi, Mark M.  
Carpenito, James W.  
Eaton, Daniel A.  
Herchek, Dianne L. Burns  
Kaklamanos, James  
Pappas, Thomas J.  
Poulin, Richard L.

## Democrats

Desmarais, William A.  
 Lachance, Henry J.  
 Lemire, George E.  
 Barrett, William F.  
 Sweeney, James A., Jr.  
 Valliere, Alcide E.  
 Duhaime, Roger M.  
 Gagnon, Gabrielle V.  
 Lemire, Armand R.

COMMITTEE ON RESOURCES,  
RECREATION AND DEVELOPMENT

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 Dickinson, Howard C., Jr., V. Chairman  
 Head, Philip C., Jr.  
 Schwaner, Annie Mae  
 Ladd, Elizabeth R.  
 Horton, Lynn C.  
 Osgood, Wilfred B.  
 Gagnon, Nancy R.  
 Hansen, Cort  
 Kane, John J.  
 Meader, Paul G.

## Democrats

Oleson, Otto H.  
 Ganley, Barbara T.  
 Burchell, James A.  
 French, Bruce R.  
 Maglaras, George, Jr.  
 Schreiber, Joan M.  
 Sullivan, Kevin F.  
 Voll, Sarah P.  
 Watson, Robert J.

## COMMITTEE ON RULES

## Republicans

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 Griffin, Ruth L., Vice Chairman  
 Roberts, George B., Jr.  
 Tucker, John B.

## Democrats

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 Plourde, Robert E.  
 Coutermarsh, Ernest R.

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 Stahl, Judith M., Vice Chairman  
 Grasso, Sal  
 Smith, Leonard A.  
 MacIvor, Donna T.  
 Vlack, Robert A.  
 Wight, M. Arnold, Jr.

## Democrats

Grassie, Charles W., Jr.  
 Healy, Daniel J.

## Subcommittee on Enrolled Bills

Gagnon, Gabrielle V.  
 White, James J.

## Subcommittee on Journal

Lamy, Catherine G.

Subcommittee on Resolutions  
and Screening

O'Connor, Roderick H.

Subcommittee on Mileage  
and Electronic Roll Call  
Joncas, Grace L.  
Maloomian, HelenCOMMITTEE ON  
MUNICIPAL AND COUNTY GOVERNMENT

## Republicans

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 Mann, Ezra B. II, Vice Chairman  
 Perkins, Arnold B.  
 Davis, Roy W.  
 King, Roger C.  
 Pepitone, Anthony  
 Callahan, Robert C.  
 Gage, Beverly A.  
 Whipple, Daley E.  
 Fillback, Armas W.  
 Packard, David B.  
 Paradis, Aime H.  
 McIver, Neil F.

## Democrats

Bednar, John M.  
 Burke, John A.  
 O'Connor, Timothy K.  
 Drewniak, Dorothy J.  
 Boisvert, Emile E.  
 LaBonte, Arthur H., Sr.  
 Hebert, Roland N.  
 Faucher, William H.  
 Shea, James P.  
 Welch, John L.

## COMMITTEE ON PUBLIC WORKS

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 Marshala, Augustine J., Vice Chairman  
 Cummings, Charles E.  
 Coburn, Roscoe N.  
 Ellis, Richard I.  
 McLaughlin, Lawrence G.  
 Griffin, Ruth L.  
 Towle, Clayton W.  
 Galloway, Robert L.  
 Bibbo, James V., Jr.  
 Ingram, Mildred S.  
 Keller, George D.

## Democrats

Fortier, Guy J.  
 McEachern, Joseph A.  
 Connors, Thomas P., Sr.  
 Ruel, Alfred J.  
 Desmarais, Walter J.  
 Desnoyer, Alton G.  
 Tarr, Kenneth M.  
 Martineau, Roland D.  
 White, James J.

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 Lawton, Robert M., Vice Chairman  
 Thompson, Doris L.  
 Eaton, Myrl R.  
 Humphrey, James A.  
 Gordon, Anne B.  
 Sanborn, Leonard F.  
 Bridges, Webster E., Jr.  
 MacDonald, Kenneth J.  
 Morin, Ralph J.  
 Rounds, Bruce C.

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HUMAN RESOURCES AND REHABILITATION  
Republicans

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Gould, Kenneth H., Vice Chairman  
McNichol, Bernadette O.  
Richards, Frank F.  
Miller, Gerald E.  
Allen, Roderick  
Cutcliffe, D. Ronald  
Head, Joanne C.  
Johnson, Polly B.  
Stylianios, Thomas  
Valliere, Ernest J.

Democrats

McDonough, Willam J., Jr.  
McGlynn, Margaret L.  
Cooney, James B.  
Goyette, Maurice J.  
Wheeler, Robert W.  
Kincaid, William K.  
Belhumeur, Roland E.  
Clancy, John F.  
Grieco, Michael L.

COMMITTEE ON  
LEGISLATIVE ADMINISTRATION  
Republicans

Lyons, Elaine T., Chairman  
Parr, Ednappearl F., Vice Chairman  
Trachy, Stuart D.

Subcommittee on Elections

Close, Elmer H., Chairman  
Hanson, Richard D.

Subcommittee on Enrolled Bills

Bridges, Webster E., Chairman  
Martin, Josephine C.

Subcommittee on Journal

Benton, Richardson D., Chairman  
Vrakatitsis, Zoe

Subcommittee on Resolutions  
and Screening

Lyons, Elaine T., Chairman  
Aldrich, Frederick C.

Subcommittee on Mileage  
and Electronic Roll Call

Barka, Ernest P., Chairman  
Aller, Douglas J.

Democrats

Chambers, Mary P.  
Wallin, Jean R.

Subcommittee on Elections

Orcutt, Jo Ellen  
Proctor, Nancy J.  
Girolimon, Gary A.  
Nadeau, George A.  
Voll, Sarah P.

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Republicans

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Howard, Donald K., Vice Chairman  
Preston, Howell F.  
Rich, Wayne S.  
Granger, Guy R., Jr.

Danforth, Bonnie L.  
Humphrey, Howard S., Sr.  
Blake, Ralph L.  
Krause, Stephen H.  
Thomson, Glyneta B.

Democrats

Cotton, Mary E.  
Collins, Michael A.  
Aeschliman, Lea H.  
Nemzoff-Berman, Ruth  
Madigan, Francis J.  
Ramsay, Dennis C.  
Smith, Alfreda A.  
Wojnowski, Edward J.

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Flanagan, Natalie S., Vice Chairman  
Randall, Kenneth A.  
Carswell, Minnie F.  
Eaton, Clyde S.  
Day, Robert H.  
Hartford, Margaret M.  
Lovejoy, Virginia K.  
McAvoy, Rita C.  
Podles, Eleanor P.

Democrats

Gamache, Ovila  
Dunfey, Stephen C.  
LaFleur, Thomas M.  
Marcoux, Emile A.  
MacDonald, Joseph A.  
Morrissette, Richard D.  
Pelletier, Wilfred  
Rice, Harold L.

COMMITTEE ON TRANSPORTATION  
Republicans

Murray, James W., Chairman  
Tavitian, K. Michael, Vice Chairman  
Karnis, Theodore H.  
Clark, W. Murray  
Erler, Robert C.  
Shepard, Irene J.  
Akerman, Oliver H.  
Gage, Carl W.  
Stockman, Kenneth E.  
Waters, Edwin L.

Democrats

Coutermarsh, Ernest R.  
Sing, John W.  
York, Elmer H.  
Crotty, Edward J.  
Aubut, Rudolph V.  
Boucher, Roland R.  
Dion, Arline L.  
Dupont, Raymond L.  
Wallace, Roger E.

COMMITTEE ON WAYS AND MEANS  
Republicans

McLane, Susan N., Chairman  
Barka, Ernest P., Vice Chairman  
Johnson, Elmer L.  
Tripp, J. Thornton  
Marsh, Norman C.  
Canney, Ethel M.  
Smith, Kenneth C., Sr.  
Ambrose, Robert P.  
Peters, Marjorie Y.



Stratton, Robert J.  
Quimby, Conrad L.

Democrats

Splaine, James R.  
Donnelly, Helene R.  
Belanger, Gerard H.  
Wallin, Jean R.  
Ahern, Richard F.  
D'Amante, Carmine F.  
O'Neil, Dorthea M.  
Winn, Cecelia L.  
Winn, John T.

COMMITTEE ASSIGNMENT CHANGES

Rep. Voll off Resources, Recreation and  
Development.

Rep. Arline Dion off Claims, Military  
and Veterans Affairs.

Rep. Nadeau off Science and Technology,  
on Resources, Recreation and Development.

Rep. Edward Smith off Environment and  
Agriculture, on Science and Technology.

# HOUSE JOURNAL 4

*Thursday, 27 Jan 77*

Prayer was offered by Rev. Milton L. Smith, Sr.

Thank you Lord for the gifts of this day. How precious are the gifts of days. It seems we seldom appreciate them until - there - another one has slipped away. Where have they all gone - days are flowers - gifts from You, to be used but not abused. Help us to use this day wisely and well - like a precious flower - serving You and Your creation

Remind us Father, at the beginnings of a new session of this House, that anything morally wrong can never be socially, economically, religiously, governmentally, or politically right.

Let us be excited today with the terrific truth that we are persons with the power to choose and understand, to feel and love, to dream dreams and know visions born, to build and give, to be sensitive and creative, to reason, to be persons.

Although often tempted, we do not ask You to bless what we do. Rather, bless we who gather here that the seeds of good government may be sown, and that, this particular, special garden of humanity given unto our care - where we labor - may bring forth a bountiful harvest of Justice, Truth and Mercy.

We know that You are a loving God, and ask You to touch the life of Forsaith "Fordy" Daniels - who is seriously ill - and his wife Madeline and family in their hour of need. God Bless Us, Amen.!

Rep. Gemmill led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Shea, Record, Forsaith Daniels, DeCesare, Gaskill, Clafin, Cecelia Winn and John Winn, the day, illness.

Reps. York, Van Loan, Levesque, Miller Rice, Quigley, Appel and Willey, the day, important business.

## INTRODUCTION OF GUESTS

Mrs. Alice Dube, President of The Nashua Board of Aldermen, guest of Rep. Sing; Miss Lucille Kelly, guest of Rep. Lamy.

The Speaker introduced Mr. Leon Anderson, Legislative Historian, who addressed the House.

We can all be pleased with the fresh improvements to New Hampshire's unique House of Democracy, as this historic Representatives Hall has come to be known to the world.

Speaker George Roberts can take a deserved bow for sparking the renovation details, with funds authorized by the 1973 Legislature.

Various work crews devoted several months of painstaking details, under the supervision of both Speaker Roberts, and Lee Marden, the Legislative Operations Manager, to spruce this venerable chamber with more efficiency, and more comfort, for its membership.

The improvements are more valued than meets the eye. This face-lifting for Representatives Hall was not only long overdue, but will be of lasting value, as tourists from throughout the nation pay their respects to its democratic dimensions.

More than 220 gallons of paint have brightened the walls and ceiling of this giant chamber. The aisles are nicely carpeted for a first time, and the five huge portraits have been cleaned and refurbished for a first time in half a century.

The new mahogany rostrum is especially constructed to efficiently tie in with the new electronic voting system, and automatic recordings of the House proceedings.

The public gallery has been upholstered and carpeted for a first time; the sound system for oratory has been improved; a complete emergency lighting system has been installed for a first time, under the Life Safety Code, and the two rear ante-rooms have been comfortably renovated for the convenience of the House members.

Representatives Hall, like its adjacent Senate chamber, has become the oldest legislative center in the nation. Massachusetts and Maryland have older legislative rooms still standing, but they have been long since abandoned by their Legislatures for more modern quarters.

This Representatives Hall has undergone many improvements through its nearly eight score years of progress, since the New Hampshire Capitol was opened in 1819.

It first measured some 50 feet in depth, east to west, with a width of about 40 feet, and a 30-foot ceiling.

The rostrum first rested against the west wall, with a dozen elevated chairs beside the Speaker's chair, for exclusive use of the Senate, then comprising only 12 members, when convened in joint session.

Tiny public galleries hung upon the north and south walls in the original hall.

Representatives Hall was first enlarged when the 1864 Legislature voted to double the Capitol's capacity, primarily to accommodate the ever-increasing House membership.

The chamber was extended some 30 feet westward, and the rostrum was shifted to its present location, as the north gallery was removed. In this adjustment, the original bench seats were replaced by individual stools, bolted to the floor, with long desks, each with a single undershelf.

Representatives Hall was then also divided into its present five sections.

By 1900, the uncomfortable stools and pock-marked desks were replaced by comfortable stuffed opera chairs, without desks. This changeover permitted more seats to cope with continued membership increases.

The 1909 Legislature voted to double the Capitol's dimension a second time, for the dual purpose, this time, of providing still more space for Representatives Hall, and for a modest increase in state agencies. This was achieved by adding a third floor to the main building, and extending a large addition westward to State street.

This enlargement permitted a 20-foot widening of Representatives Hall southward. This was accomplished by removing an 1819 brick wall, upon which the center roof of the State House rested, and replacing it with a giant steel beam, which continues to be held up by the two columns in the rear of the chamber.

It was in this renovation that the southern gallery was rebuilt into its present size and position. The hall's ceiling was also raised by more than 10 feet.

The floor of Representatives Hall was also inclined for a first time in this second enlargement, so that the rear seats were about a yard higher than the front rows. Another foot was added to this elevation in 1958, when an entire new floor was installed, along with a third set of seats.

Representatives Hall featured its greatest membership in 1943, when it soared to 443, up by 20 over the previous decade. This even exceeded the 435-member national Congress at Washington, and sparked the constitutional amendment pegging the House of Representatives at not more than 400.

That was the wartime session in which we, as political reporter for the Concord Monitor, served a single term in the House. Speaker Sherman Adams kept us at the press table, because of the seating jam, along with John Parker Hale Chandler, Jr., of Warner, publisher of the old Kearsarge Independent weekly. And now, 34 years later, friend Chandler is still a House member, for a sixth term, along with three terms on the Executive Council and three terms in the Senate.

Two memorable events sparked that 1943 session. Speaker Adams invoked the daily mileage payments for a first time, to insure better attendance. The new daily rate was five cents per mile, compared with the previous allowance of a weekly allotment of 10 cents per mile, signed for on Tuesdays. This successful policy shut off a demand by the late George Duncan of Jaffrey, the Democratic tartar of legislative life, that time-clocks be installed to expose delinquent lawmakers.

The other incident concerned a threatened drought for Speaker Adams. Up to 1943, it had been custom to furnish each Speaker with a pretty pitcher and

goblets, to help moisten his presiding problems, which he was allowed to take home following adjournment. When Adams took over, the state purchasing Agent reported failure to obtain a replacement, due to war restrictions.

When this development became known, a Concord lady came to the rescue. Miss Avis W. Robinson, last survivor of a pioneer Concord family, contributed a handsome silver water set, which had belonged to her father, Dr. Edwin Putnam Robinson, who had just died in Newport, R. I., where he spent most of his life as a dentist.

This rare gift continues to grace the Speaker's rostrum. Engraved on the bottom of the pitcher is: "Presented by Family of Edwin Putnam Robinson, January 1943." The bottom also reads: "Rogers Smith & Co. New Haven, Conn., June 8, 1858."

Finally, our personal 1943 legislative service was less than distinguished. We bid for appointment to the House Ways and Means Committee, and landed on the inconsequential Committee on State House and State House Yard, as its clerk.

This committee met twice, once to organize, and then to deorganize, and when Norris Cotton became Speaker of the 1945 session, he promptly abolished the committee as less than useless.

Because of one man's superstition, Representatives Hall has no No. 13 seats.

This novelty developed in 1958 when Governor Lane Dwinell and his Council became deadlocked over bids on new House chairs, as voted by the 1957 Legislature.

Joseph H. Geisel, veteran Manchester legislator and banker, breached the dilemma in dramatic fashion. With Governor Dwinell vacationing in Europe, Geisel presented a check for \$23,134 to Acting Governor Eralsey Ferguson, to purchase the chairs from the company favored by Dwinell.

Attorney General Louis C. Wyman ruled the unusual transaction legal, as Geisel announced he would not seek reimbursement, but would accept it if voted by the incoming Legislature. As the 1959 House convened in its present seats, Geisel was reimbursed, with thanks.

Each of the five House divisions boasted no No. 13 numerals, as a favor to his superstition, and this surprise concession did not become known until after the 1959 House convened.

One of the occupants of the abolished No. 13 seats continues to serve in Representatives Hall. She is Mrs. Greta Ainley of Manchester, now in her 10th term. She acquired her No. 13 chair in Section 4, when it was removed, and we understand that she still uses it on occasion in her home.

There's an old saying that if you live long enough in New Hampshire you will land in the Legislature before the grave.

This may sound silly to some, but it still is more likely than anywhere else in the world.

The democracy of this Representatives Hall is without equal on earth. Its 400 legislators each represent an average of

slightly more than 2,000 constituents, and no other legislative body in the world comes even close to such democratic representation.

By comparison, if the California Assembly could boast similar representation, it would have more than 10,000 members, instead of its present 80 lawmakers.

And if the national Congress at Washington was to equal the Granite State's legislative democracy, it would have more than 100,000 members.

Albert R. Hatch of Portsmouth paid this rare homage to the democracy of Representatives Hall, when he became Speaker of the 1874 House of Representatives:

"The inconveniences of a large assembly have been deliberately submitted to, that every man in New Hampshire may have in the Legislature some representative with whom he can be personally acquainted.

The wisdom which gave our state this near-approach to a pure democracy, will influence us to listen attentively to every grievance and every expression of the public sentiment, from however obscure or humble a source it may come."

Rep. Joseph Eaton moved that Mr. Anderson's remarks be printed in the Journal.

Rep. Coutermarsh spoke in favor of the motion.

Adopted.

#### PETITIONS

##### WARNER TOWN REPUBLICAN COMMITTEE

Warner, New Hampshire 03278

November 13, 1976

Ms. Susan W. Pelton  
New England College  
Henniker, New Hampshire 03242

Dear Ms. Pelton:

This letter will serve as official notice that I, David P. Currier in my capacity as Chairman of the Henniker Town Republican Committee and I, John P. H. Chandler, Jr., in my capacity as Chairman of the Warner Town Republican Committee and as voters in the towns of Henniker and Warner are hereby contesting the election of Tuesday, November 2nd, 1976 by which you were elected to the New Hampshire General Court, House of Representatives serving the Merrimack County District #3.

This action is being initiated in that both committees feel that the New Hampshire Constitution has been violated. In specific, Part Second, Article 14 states, "Every member of the house of representatives shall be chosen by ballot; and, for two years at least, next preceding his election shall have been an inhabitant of this state;..."

Pursuant to the Revised Statutes Annotated (RSA's) Chapter 67, a copy of this written notice is being forwarded to the Secretary of State of New Hampshire for appropriate action. Depositions will be filed with the Clerk of the New Hampshire House of Representatives at a later date.

Yours truly,  
For the Town Committees

John P. H. Chandler Jr.  
Chairman, Warner

David P. Currier  
Chairman, Henniker

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Keene, N. H.  
December 10, 1976

Mr. James Chandler  
Clerk, New Hampshire House

Dear Sir:

I, Donald H. MacFarlane, having been a member of the 1967 General Court, do hereby challenge the election to the General Court the following persons; #1, Mr. Terry L. Wiggins of Keene, Cheshire County District #14 and #2, Mr. William Faucher of Hinsdale, Cheshire County District #3. Hinsdale-Winchester, under RSA Chapter 67, Contested Elections to the Legislature.

The basis for said challenge is RSA Chapter 59:69 thru 59:69-b. Having been directly involved with the 1967 amendment that changed the intent of RSA 59:69-a, Nominees of More Than One Party, the basic intent of the 1967 amendment was not to total the votes cast for a candidate of more than one party for the same office on the same ballot.

Being well aware of the opinion rendered by the Attorney General to the Secretary of State, (copy enclosed) dated October 13, 1970, this writer contends that said opinion is incomplete and misleading.

It is the intent of this writer that this challenge shall apply to all members of the General Court who were elected under similar circumstances.

Present indications are that an opinion from the state Supreme Court may be necessary to clarify this section of the Election Laws.

Sincerely  
Donald H. MacFarlane  
cc: Secretary of State  
Clerk of the House of Representatives

The Speaker referred the petitions to the Elections Subcommittee under Rule 32 Sec. M.(1)

Rep. Marshall French offered the following:



RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 149 through 173 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

#### INTRODUCTION OF BILLS

First, second reading and referral

HB 149, increasing the fees for lobster, clam and oyster licenses and providing a penalty for misuse of a lobster and crab license. (Griffin of Rockingham Dist. 19 - To Fish and Game)

HB 150, imposing a real estate tax on a portion of state owned property. (Cate of Merrimack Dist. 14 - To Ways and Means)

HB 151, relative to the civil liability of the director of motor vehicles and his agents. (Murray of Belknap Dist. 5 - To Judiciary)

HB 152, relative to annual property inventory forms. (Bednar of Hillsborough Dist. 14; LaBonte of Merrimack Dist. 12; Murray of Hillsborough Dist. 3; Drewniak of Hillsborough Dist. 30; Davis of Rockingham Dist. 2; King of Rockingham Dist. 1; Sen. Poulsen of Dist. 2 - To Municipal and County Government)

HB 153, repealing RSA 262:43 pertaining to garage registration of out-of-state automobiles. (Waters of Merrimack Dist. 9 - To Transportation)

HB 154, relative to agreements for open listing of real estate. (Kashulines of Rockingham Dist. 3-A - To Statutory Revision)

HB 155, relating to dogs at large and providing a penalty against the owner and further providing for local option if a municipality desires to be exempted. (Sabbow of Belknap Dist. 6 - To Municipal and County Government)

HB 156, relative to the property tax list. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 157, relative to determining the compensation to be allowed the collector of taxes. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 158, relative to the compensation of tax collectors. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 159, repealing the subdivision in the statutes relative to equine infectious anemia. (Sabbow of Belknap Dist. 6 - To Environment and Agriculture)

HB 160, relative to the procedure used to handle complaints filed with the commission for human rights. (Wallin of Hillsborough Dist. 16 - To Judiciary)

HB 161, permitting licensees to promote the sale of alcoholic beverages at reduced prices. (Blanchette of Rockingham Dist. 14 - To Regulated Revenues)

HB 162, relative to the operation of certain vehicles with an open body or bed. (Benton of Rockingham Dist. 2 - To Transportation)

HB 163, relative to establishing a hunting and trapping season for bobcat. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HB 164, relative to the penalty for late payment on the Nashua City tax. (Dion of Hillsborough Dist. 21 - To Municipal and County Government)

HB 165, removing the restriction on the size of deer hunting parties. (Bibbo of Merrimack Dist. 2 - To Fish and Game)

HB 166, relative to limited openings of smelt brooks to the handicapped. (Boucher of Rockingham Dist. 3 - To Fish and Game)

HB 167, allowing a voter to change his party affiliation at any time the supervisors of the checklist meet. (Krasker of Rockingham Dist. 22; Day of Hillsborough Dist. 26; Hartford of Rockingham Dist. 17 - To Statutory Revision)

HB 168, prohibiting the erection of advertising devices beyond 660 feet from interstate or federal aid primary system rights of way. (Dickinson of Carroll Dist. 2; Stahl of Hillsborough Dist. 17 - To Public Works)

HB 169, relative to expanded elderly exemptions. (Grassie of Strafford Dist. 12; Splaine of Rockingham Dist. 19; Chambers of Grafton Dist. 13; Rossley of Rockingham Dist. 23; O'Keefe of Rockingham Dist. 21; Pelton of Merrimack Dist. 3 - To Ways and Means)

HB 170, relative to property tax exemptions for certain disabled servicemen. (Boucher of Rockingham Dist. 3; Conley of Carroll Dist. 3 - To Ways and Means)

HB 171, amending the Rochester city charter to provide that the mayor shall be a non-voting member of the school board and that the school board shall elect one of its voting members chairman for a 2 year term. (Grassie of Strafford Dist. 12; Burchell of Strafford Dist. 12 - To Municipal and County Government)

HB 172, permitting the use of electronic data processing equipment in performing certain functions of the tax collector. (Bednar of Hillsborough Dist. 14 - To Municipal and County Government)

HB 173, prohibiting the hunting of wild birds on Little Lake Sunapee. (Foley of Merrimack Dist. 1 - To Fish and Game)

#### INTRODUCTION OF SENATE BILL

First, second reading and referral  
SB 1, relative to the duties of city and town clerks for voter registration. (Statutory Revision)

#### COMMITTEE REPORTS

HB 31, making a supplemental appropriation to the adjutant general's department for fiscal 1977 and repealing restrictions on certain expenditures. Ought to Pass. Rep. Whipple for Claims, Military and Veterans Affairs.

This legislation accomplishes two objectives, to remove a restrictive footnote from the current budget of the Adjutant General, which prohibits additional appropriations for whatever purpose; the origin or the rationale for the footnote cannot be ascertained. Additionally, the bill

appropriates additional funds to the Adjutant General for payment of utilities (heat, light, water, etc.) furnished by Pease Air Force Base to the New Hampshire Air National Guard; the current appropriation has proved to be inadequate to pay for the utility services, due to the rapidly rising cost of fuel, normal inflation and the restructuring of Air Force billing rates. The federal government will reimburse the State of New Hampshire to the extent of 75% of the utility charges.  
Referred to Appropriations

HB 33, repealing the statute relevant to reinstatement of World War II veterans' licenses. Ought to Pass. Rep Paul Riley for Claims, Military and Veterans Affairs. This bill repeals a statute enacted during, and pertinent only to World War II. Persons who held licenses issued by nine New Hampshire Boards of Examiners prior and during World War II would be granted their licenses, without examination, by applying within one year after termination of military duty. It is a logical assumption that any of these persons have left the service and resumed their professional practice, therefore there is no longer a need for the statute. There was no opposition to the bill from any veterans' organizations at the public hearing. Ordered to third reading.

HB 47, establishing a fourth New Hampshire song. Ought to Pass with Amendment. Rep. Simard for Claims, Military and Veterans Affairs.

This bill approves "Autumn in New Hampshire" as the fourth state song, and sets up the means for the appointment of a Board to select one State song to be known in future as the "official state song," while those songs not selected shall be known as "honorary state songs." By this action New Hampshire would have a song to be played at state functions as the "official state song."

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a fourth New Hampshire song and providing for the designation of an official New Hampshire song.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Official State Song. In order that we may have only one official state song, there is hereby established a committee of 5 who shall serve without pay to select one of the songs designated as state songs as the official state song. This committee shall consist of one member from the house of representatives appointed by the speaker of the house, one member from the senate appointed by the president of

the senate, and 3 members of the public appointed by the governor and council who are knowledgeable in the music field. The committee shall serve only so long as is necessary to designate the official state song.

3 Other Songs. All state songs shall be known as honorary state songs and shall not be construed to be official state songs.

4 Effective Date. This act shall take effect 60 days after its passage.

Rep. Benton explained the amendment and gave a brief description of the song and a recording of the song was played for the House.

Question being on the adoption of the amendment.

On a voice vote the Speaker was in doubt and requested a division.

228 members having voted in the affirmative and 78 in the negative, the amendment was adopted.

Ordered to third reading

HB 61, providing for payment of a claim to Cpl./Tech. Henry P. Paris, Jr., New Hampshire state police and making an appropriation therefor. Ought to Pass. Rep. Benton for Military and Veterans Affairs.

The committee felt that the existing "Standard Operating Procedure," pertinent to the State Police K-9 corps, published May 1974, was lacking in instructions to officers with dogs assigned them; that at certain times, dogs would be segregated, even from family members with whom they were familiar. This lack of orders, plus the lack of any kind of state furnished kennel, enclosure or run, contributed to the biting of the officer's son. The "SOP" is currently undergoing revision, and will incorporate details on handling, control, use, precautions and care of the dogs.

Ordered to third reading.

HB 14, changing the notification date for teachers who are not renominated or reelected. Inexpedient to Legislate. Rep. Gemmill for Education.

The existing law has worked satisfactorily since 1958, and this bill does not accomplish the budgetary intent of the sponsor. Widespread need for change not demonstrated. Committee vote 14-1.  
Resolution adopted.

HB 54, relative to the administrative procedures act. Ought to Pass. Rep. Close for Executive Departments and Administration.

The purpose of this bill is to require filing of agency rules in all cases thus closing a loophole in the Administrative Procedures Act.

Rep Close explained the bill.  
Ordered to third reading.

HB 13, establishing a hunting season for the taking of foxes and classifying the fox as a fur-bearing animal. Ought to Pass. Rep. Stimmell for Fish and Game.

This bill makes a red fox a fur-bearing animal rather than a nuisance animal. It places them under the regular hunting season rather than year round. Sixteen witnesses for the bill, none against. Committee vote was unanimous. Intent of bill gives the red fox protection. Ordered to third reading.

HB 34, requiring the attorney general to act when a citizen claims a city or town has violated a state statute. Inexpedient to Legislate. Rep. Frizzell for Judiciary.

It is the function of the attorney general to service the various agencies of the state, and that requires some 27 attorneys. If this bill is passed, the attorney general would have to investigate and act upon the complaints of citizens who charged cities and towns with violation of state statutes. At present there is one such complaint daily and it is impossible to predict the need if we opened the flood gates as this bill proposes - a minimum of 10, possibly 50 additional attorneys.

Rep. Joseph Cote moved that the words, ought to pass, be substituted for the report, inexpedient to legislate, spoke to his motion and yielded to questions.

Rep. Martin spoke against the motion.

Rep. Close spoke in favor of the motion.

Motion lost.

Resolution adopted.

HB 10, establishing an age limitation for deputies and special deputies appointed by sheriffs. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

This will make the retirement age law for deputies and special deputies in keeping with the sheriffs.

Rep. Richard Hanson explained the committee report.

Ordered to third reading.

HB 16, authorizing out of state municipalities to participate in district fire mutual aid systems. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

This bill gives out of state members of mutual fire aid associations voting rights at association meetings.

Referred to the Committee on Interstate Corporation.

#### SUSPENSION OF RULES

Rep. Richard Hanson moved that the Rules be so far suspended to allow consideration at the present time of committee reports without two days' notice in the calendar on HBs 40, 84, 92 and SB 9.

Adopted by the necessary two-thirds.

#### COMMITTEE REPORTS

HB 40, legalizing a certain special town meeting in Lee. Inexpedient to Legislate. Rep. Timothy O'Connor for Municipal and County Government.

Sponsor recommends this bill not pass. Resolution adopted.

HB 84, relative to temporary loans issued under the municipal finance act. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

This bill is to reinstate a portion of RSA 33:2 that was omitted in a past session.

Ordered to third reading.

HB 92, legalizing a special town meeting in Pittsfield. Ought to Pass. Rep. Neil McIver for Municipal and County Government.

This bill necessary to correct mistake in posting.

Ordered to third reading.

SB 9, legalizing a special meeting of the town of Peterborough. Ought to Pass. Rep. Callahan for Municipal and County Government.

This bill is necessary to get bonding company approval.

Ordered to third reading.

#### COMMITTEE REPORTS (cont'd)

HB 50, establishing a toll on aviation jet fuel of one cent per gallon. Inexpedient to Legislate. Rep. McLane for Ways and Means.

This tax would only realize an estimated \$10,000 to \$13,000 and would have an adverse effect on those few jet fuel dealers who provide service to commercial air lines in Manchester, Keene and Lebanon. Resolution adopted.

Rep. Coutermarsh moved that HB 50, establishing a toll on aviation jet fuel of one cent per gallon, be indefinitely postponed.

Adopted.

#### RECESS

#### WAYS AND MEANS REPORT

This is the first report to the 1977 General Court by the Ways and Means Committee in accordance with Rule 32 (w)

"It shall be the duty of the Committee on Ways and Means to examine and take into consideration the state of the treasury, to consider and report on all bills and resolutions relating to raising money by a state tax, the apportionment of the same, and all other methods for raising revenue for the state. They shall report monthly to the House the estimated revenues of the state beginning January 31. They may consider and report periodically to the House upon such other subjects concerning the financial interests of



the state as may be appropriate; and such other matters as may be referred to it."

Three brief points should be made to accompany the hard, cold facts as presented by the figures before you.

First, we would quote our source in the Legislative Budget Assistant's Office, a remark which says it all: "An estimate is just that - an estimate."

We are dealing with intangibles. Projecting revenues from liquor sales, dog and horse tracks, tobacco sales is at best an inexact science. What surrounding states may do, when the snow storms come, national economy is doing, all of these factors and many others affect our New Hampshire revenues.

In recent years two examples prove this point. In 1975 the Massachusetts Legislature put up their tobacco tax 5¢, immediately changing our tobacco estimates \$2.8 million. Conversely New Hampshire had estimated last year \$1.2 million extra, for the biennium anticipating a surge of Bicentennial tourists for liquor sales and room and meals. This reasonable projection never materialized anywhere in New England.

In the future we would mention several variables that can affect revenue. Sen. Fennelly's Senate bill changing the state's percentage from the dog tracks, and Liquor Commission's proposals for Sunday sales and credit card sales are examples of actions the legislature may take to change these projections.

Ways and Means will be updating these figures each month for the House and for the Appropriations Committee.

The second point to emphasize is that these are agreed upon figures. Sen. Fennelly, of Senate Ways and Means, helped us in our deliberations and we used the surplus, or rather deficit, figures used at the January 19th meeting of the Advisory Budget Control Committee.

One last point, a trend that we all must face up to. In the past four years, General Fund unrestricted revenues have risen on an average of 6.6 per cent a year. Spending has risen 12 per cent a year. This is the year that we do not start with a surplus. The revenues we raise for the General Fund are all we have to spend. Approximately 10 million dollars in new revenue will be needed just to continue spending at 1977 levels.

Susan N. McLane, Chairman  
Revenue Subcommittee  
Kenneth C. Smith, Sr.  
Conrad L. Quimby  
Jean R. Wallin

Rep. McLane explained the committee report and yielded to questions.

The report was accepted. (See: Appendix A)

Rep. Tucker, Chairman of the Committee on Appropriations, reported the Advisory Budget Control Committee estimates of additional revenue required to meet current spending levels, and submitted the following figures: (See: Appendix B)

Rep Tucker yielded to questions.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Marshall French offered the following:

#### HOUSE RESOLUTION NO. 7

WHEREAS, the House Committee on Interstate Cooperation is charged under the rules of the House with the duty to "consider all interstate compacts...and to promote understanding and cooperation between the state and other states of the Union"; and

WHEREAS, the state has in the past entered into agreements with neighboring states without consideration of the role of such agreements in the general framework of the laws of New Hampshire; now therefore be it

RESOLVED, by the House of Representatives:

That the Committee on Interstate Cooperation is instructed and authorized to undertake a comprehensive review of the Interstate compacts and other such agreements which the state of New Hampshire has entered into, for the purpose of presenting to the House no later than February 14, 1977, a report of the statutes currently in force together with recommendations for changes to these statutes which the Committee may determine to be necessary or desirable.

Rep. French spoke to the resolution.  
Resolution adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Bibbo offered the following:

#### HOUSE RESOLUTION NO. 4

WHEREAS, millions of members of our armed forces fought and thousands died in the Vietnam conflict; and

WHEREAS, they and their families have made tremendous sacrifices on behalf of their country; and

WHEREAS, blanket amnesty for draft dodgers and deserters would belittle the sacrifices of those who performed their patriotic duty and would endanger our future national defense; now, therefore, be it

RESOLVED by the House of Representatives:

That no unconditional blanket pardon or amnesty for draft dodgers and deserters ought to be declared.

Further Be It Resolved, that certified copies of this resolution be forwarded by the secretary of state to the members of the New Hampshire delegation to the United States Congress, the clerk of the United States Senate, the clerk of the United States House of Representatives, and to the President of the United States.

Reps. Bibbo, Belhumeur, Raymond Conley, Benton, Henry Richardson and Whipple spoke in favor of the resolution.

Rep. Eugene Daniell spoke against the resolution.



(Rep. Bridges in chair)

Rep. James J. White spoke against the resolution.

(Speaker in chair)

Reps. Ingram, Barrus and Schwaner spoke in favor of the resolution.

Rep. Bridges moved the previous question, sufficiently seconded, adopted.

Rep. Bibbo requested a roll call.

Sufficiently seconded.

(Speaker presiding)

YEAS 217 NAYS 127

YEAS 217

**BELKNAP:** Beard, Marshall French, Lawton, Mansfield, Marsh, James Murray and Kenneth Randall.

**CARROLL:** Roderick Allen, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

**CHESHIRE:** Callahan, Fillback, Galloway, Anne Gordon, Irvin Gordon, Ladd, Matson, Moore, Scranton, Slack, Vrakatitsis and Whipple.

**COOS:** Burns, Cooney, Fortier, Horton, Huggins, Hunt, George Lemire and Wiswell.

**GRAFTON:** Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Glyneta Thomson, Madeline Townsend and Ward.

**HILLSBOROUGH:** Ainley, Alter, Baker, Bednar, Belanger, Wilfrid Boisvert, Roland Boucher, Bridges, Burke, Carswell, Coburn, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, William Desmarais, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Celinas Granger, Sal Grasso, Heald, Howard Humphrey, Karnis, Keefe, Knight, Lachance, Lamy, LaPlante, Armand Lemire, Lyons, Madigan, Marcoux, Martineau, McLaughlin, Fred Murray, Timothy O'Connor, Pappas, Paradis, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Soucy, Stylianos, Sweeney, Harold Thomson, Wallace, Geraldine Watson, Emma Wheeler and Robert Wheeler.

**MERRIMACK:** Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Gamache, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, Mullin, Arthur Perkins, Plourde, Gerald Smith, Stefanides, Stockman, Tarr, Doris Thompson, Ernest Valliere and Waters.

**ROCKINGHAM:** Akerman, Aller, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Goff, Gould, Greene, Griffin, Hartford, Hoar, Kashulines, King, Lovejoy, Nelson, Norton,

Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

**STRAFFORD:** Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Hebert, Joncas, Joos, Kincaid, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Donald Smith, Torrey and Tripp.

**SULLIVAN:** Barrus, Burrows, Desnoyer, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 127

**BELKNAP:** Ambrose, Gary Dionne, Goyette, Michael Hanson, Morin, Nighswander, Sabbow and Sanders.

**CHESHIRE:** Chase, Close, Dostilio, Daniel Eaton, Faucher, Hogan, Krause, Lynch, Parker, Proctor, Margaret Ramsay, Russell, Terry and Terry Wiggins.

**COOS:** Haynes, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere and Neila Woodward.

**GRAFTON:** Chambers, Copenhaver, Cornelius, Stomberg, Taffe, Taylor and Michael Woodard.

**HILLSBOROUGH:** Ahern, Aubut, Albert Bellemore, Bernier, Emile Boisvert, Bosse, Brack, Brody, Clancy, Mark Connolly, Corser, Catherine-Ann Day, Arline Dion, L. Penny Dion, Girolimon, Cort Hansen, Head, Kaklamanos, Martin, McGlynn, Morgan, Morrison, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Plomaritis, Edward Smith, Leonard Smith, Spirou, St. George, Sullivan, Wallin, Welch, James J. White and M. Arnold Wight.

**MERRIMACK:** Blakeney, Bodi, Carroll, Eugene Daniell, Foley, Hess, LaBonte, McLane, McNichol, Pelton, Ralph, Rich, Trachy and Robert Watson.

**ROCKINGHAM:** Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Dunfey, Ganley, Kane, Krasker, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Rossley, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

**STRAFFORD:** Burchell, Bruce French, Charles Grassie, Dianne Hercheck, James Hercheck Horrigan, Kelly Lessard, Morrisette, Rod O'Connor, Dennis Ramsey, Ruel, Sackett, Schreiber, Valley, Voll, Shirley White and Allen Wilson.

**SULLIVAN:** Brodeur and Gray, and the resolution was adopted.

## COMMUNICATION

The committee named to select a House Chaplain for the 1977 Session has attended to its duties and is pleased to report it has selected the Rev. Milton L. Smith, Sr. Rep. Donalda Howard Chairman

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Trachy offered the following:

## HOUSE RESOLUTION NO. 6

WHEREAS, Mr. Arthur Drake represented the second district in the state senate from 1961 - 1964; and

WHEREAS, Mr. Arthur Drake served as chairman of the state legislative council in 1963 - 1964; and

WHEREAS, Mr. Arthur Drake served in this house from 1967 to 1976 and in that time served as chairman of the house rules committee, chairman of the fiscal committee, and chairman of the house appropriations committee; and

WHEREAS, in all these duties Mr. Arthur Drake served with integrity and enthusiasm and very well;

Now, Therefore Be It

RESOLVED that we, the members of the House, do extend to Mr. Arthur Drake our most sincere congratulations and thanks for his service to our state.

Be It Further Resolved that a copy of this resolution be given to Mr. Arthur Drake.

Resolution unanimously adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Eugene Daniell, Jr. offered the following:

## HOUSE RESOLUTION NO. 3

RESOLVED, that the Sergeant-at-Arms of the House be instructed to procure and furnish to each member of the House and officers thereof, during the days when the House is in session, one daily newspaper published in the state, each member and officer to choose the paper he desires to have and indicate the same to the Sergeant-at-Arms forthwith.

Rep. Eugene Daniell explained the resolution.

Rep. Marshall French spoke against the resolution.

Rep. Coutermarsh spoke in favor of the resolution.

Rep. Barka requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 141 NAYS 193

YEAS 141

BELKNAP: Hildreth, Lawton, Morin and James Murray.

CARROLL: Roderick Allen, Raymond Conley, Keller and Kenneth Smith.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Faucher, Fillback, Calloway, Anne Gordon, Matson and Slack.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Hunt, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Ira Allen, George Cate, Chambers, Copenhaver, Logan, Pepitone and Snell.

HILLSBOROUGH: Ahern, Ainley, Baker, Bednar, Bellemore, Emile Boisvert, Brody, Carswell, Corser, Joseph Cote, Coughlin, Coutermarsh, Cullity, William Desmarais, Gabrielle Cagnon, Nancy Cagnon, Gelinas, Heald, Daniel Healy, Karnis, Lachance, Lamy, LaPlante, Armand Lemire, Madigan, McGlynn, Morgan, Normand, Kerry O'Connor, O'Neil, Paradis, Arnold Perkins, Seamans, Leonard Smith, Soucy, Spirou, St. George, Sweeney, Wallace, Welch and Robert Wheeler.

MERRIMACK: Blakeney, Bodi, Laurent Boucher, Carroll, Eugene Daniell, McNichol, Plourde, Rich, Doris Thompson and Robert Watson.

ROCKINGHAM: Aeschliman, Blake, Carpenito, Connors, Cotton, Danforth, Robert Day, Dunfee, Erler, Carl Gage, Goff, Grieco, Hoar, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Anthony Randall, Rossley, Sanborn, Scamman, Alfreda Smith, Splaine and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, James Herchek, Joncas, Kelly, Kincaid, Morrisette, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Torrey, Tripp and Valley.

SULLIVAN: Brodeur, Burrows, Lewko and George Wiggins.

NAYS 193

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Coyette, Michael Hanson, Mansfield, Marsh, Nighswander, Kenneth Randall, Sabbo and Sanders.

CARROLL: Dickinson, Found, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatisis, Whipple and Terry Wiggan.

COOS: Horton, Huggins, Willey and Neila Woodward.

GRAFTON: Buckman, Clark, Cornelius, Dearborn, Duhaime, Gemmill, Hough, LaMott, Mann, McAvoy, Neil McIver, Rounds, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Alter, Aubut, Belanger, Bernier, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Burke, Clancy, Coburn, Mark Connolly, Margaret Cote, Currier, Catherine-Ann Day, L. Penny Dion, Dupont, Joseph Eaton, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Howard Humphrey, Kaklamanos, Keefe, Knight, Marcoux, Martin, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Simard, Sing, Edward Smith, Stylianos, Sullivan, Harold Thomson, Geraldine Watson, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, John Cate, Milton Cate, Chandler, Foley, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Mullin, Pelton, Arthur Perkins, Pratt, Ralph, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Blanchette, William Boucher, Campbell, Collins, Cummings, Cunningham, Cutcliffe, Davis, Felch, Flanagan, Ganley, Gould, Greene, Griffin, Hartford, Kane, Krasker, Donna McEachern, Nelson, Norton, Parolise, Parr, Pucci, Quimby, Rogers, Schwaner, Skinner, Stimmell, Tavitian, Vlack, Webster, Wojnowski and Wolfesen.

STRAFFORD: Burchell, Canney, Horrigan, Joos, Lefavour, Maloomian, Meader, Nadeau, Schreiber, Donald Smith, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Palmer, Scott, Spaulding and Sara Townsend, and the resolution failed.

Rep. Timothy O'Connor wished to be recorded against the resolution.

#### RULES COMMITTEE REPORT

Rep. Marshall French moved the adoption of amendments to the House Rules as proposed by the Rules Committee and distributed in the seat pockets.

Reps. Bridges and Tucker spoke in favor of the motion.

Rep. Marshall French offered an amendment

#### Amendment

Amend Rule 32 (o) by inserting the words, the care of state memorials and monuments, so that said section shall read as follows:

(o) It shall be the duty of the Committee on Public Works to consider all matters pertaining to public highways, buildings and capital construction, all matters pertaining to the protection, improvement and preservation of the coast line, the care of state memorials and monuments, and such other matters as may be referred to it.

Amend Rule 32 (t) by deleting the words "the care of state monuments and memorials" so that said section shall read as follows:

(t) It shall be the duty of the Committee on State Institutions to consider all matters concerning the administration of the N. H. Hospital, N. H. State Prison, N. H. Youth Development Center, N. H. Home for the Elderly, and Laconia State School and Training Center; the operation of the Soldiers' Home and State Library; and such other matters as may be referred to it.

Amend Rule 37 by inserting the following phrases: "and bills of intent, every bill of intent shall be marked House Bill of Intent and numbered serially; and the following paragraphs, so that said Rule 37 shall read as follows:

37. All petitions, memorials and other papers addressed to the House and all bills, resolutions and bills of intent to be introduced in the House, shall be endorsed with the name and the district of the person presenting them and with the subject matter of the same. Every bill shall be marked on the first page "House Bill" and numbered serially; every bill of intent shall be marked "House Bill of Intent" and numbered serially; every joint resolution shall be marked "House Joint Resolution" and numbered serially; every concurrent resolution proposing a constitutional amendment shall be marked "Concurrent Resolution Proposing a Constitutional Amendment" and numbered serially; and every other concurrent resolution shall be marked "House Concurrent Resolution" and numbered serially, as each bill or resolution is introduced into the House.

When a bill is proposed by any state agency, the name of the agency proposing it shall appear on the first page together with the name of the legislative sponsor.

No LSR number shall be assigned and no House Bill shall be drafted unless the LSR or bill has a House Sponsor.

Amend Rule 38 by adding two additional paragraphs, so that said Rule shall read as follows:

38. All petitions, memorials and other papers addressed to the House and all bills and resolutions to be introduced in the House shall be delivered or caused to be delivered to the Office of Legislative Services by the person presenting them. Legislative services shall prepare the bills, resolutions, petitions, memorials and other papers in proper form and shall present the same to the member for signature. Legislative Services shall give precedence in drafting legislation to any measure which carries an appropriation and all such legislation shall be prepared for signature by the sponsor by March 1.



Any member may submit a Bill of Intent which shall be a document written in plain language setting forth a problem of concern but not necessarily proposing a change in existing statutes. For the purposes of introduction, printing, and committee referral, a Bill of Intent shall be treated the same as a bill.

Any committee receiving a Bill of Intent is required to report its action to the House and, if legislation is recommended, shall be subject to the same rules and deadlines established for bills. In any case, the committee shall meet with the sponsor of a Bill of Intent and may, by majority vote, choose to hold a public hearing. Bills of Intent referred to interim study shall be reported by the same date and in the same manner as is established for other bills.

Amend Rule 44 by striking out entire section and inserting the following:

44. When a bill is reported favorably with an amendment, the report of the committee shall state the amendment and then recite the section of the bill in full as amended. The amendment, shall be printed in the calendar of the House on the date that the report of the committee is listed for action, and at least once previously. All bills reported shall be laid upon the table and shall not be finally acted upon until the following legislative day, and a list of such bills with the report thereon shall be published in the Journal or proceedings for the day on which they were reported.

Amend Rule 46 by striking out the entire section and inserting the following:

46. No request by a member of the House for drafting a bill or resolution other than the general budget or the capital budget bill, shall be accepted by the Legislative Drafting Service for processing unless the subject matter of the legislation, with complete information as to details, has been filed with said Service no later than the fourth Friday in January. Any bill or resolution providing for new state revenue, for a change in any existing state revenue statute, or containing an appropriation, other than the general budget or capital budget bill, may not be introduced into the House later than March first.

These deadlines shall not apply to Bills of Intent which may be accepted by Legislative Services until March 1 and introduced into the House at any time prior to any deadline established by Joint Rules for the transfer of bills out of the first body."

Amend Rule 61 by adding the following paragraph:

The office of Legislative Services shall prepare a computerized list of LSR's and bills both by number and by subject matter and shall provide a copy of the

said list to the Speaker and to the Chairman of the Subcommittee on Resolutions and Screening, on or before the fourth Wednesday of December and weekly thereafter.

The clerk read the amendment in full. Rep. French spoke to his amendment. Rep. Lyons explained a Bill of Intent. Question being on the adoption of the French amendment.

Amendment adopted.

Rep. Joseph Eaton offered an amendment.

Amend House Rule 20 by inserting in line 9 after the word "matter." the following (No vote on a motion to lay a Constitutional Amendment Concurrent Resolution on the table shall pass unless approved by an affirmative vote of three-fifths of the entire house membership.) so that said rule as amended shall read as follows:

20. When any question is under debate, no motion shall be received, but, first, to adjourn; second, to lay upon the table; third, for the previous question; fourth to postpone to a certain day; fifth, to commit; sixth, to amend; seventh to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter. No vote on a motion to lay a Constitutional Amendment Concurrent Resolution on the table shall pass unless approved by an affirmative vote of three-fifths of the entire house membership.

(a) In all cases not provided for by the Constitution, the rules of the House or the Joint Rules, "Mason's Manual of Legislative Procedure" shall be referred to as the primary guide.

The clerk read the amendment in full. Rep. Eaton explained his amendment. Rep. Marshall French spoke in favor of the amendment. Amendment adopted.

Rep. Edward Smith offered an amendment. Rep. Smith explained his amendment. Rep. Bridges spoke against the amendment. Rep. Smith withdrew his amendment.

Reps. Coutermarsh, George Wiggins, Plourde and Henry Richardson offered an amendment

Amendment

Amend House Rule 46 by striking out the same and inserting in place thereof the following:

46. No request by a member of the House for drafting a bill or resolution other than the general budget or the capital budget bill, shall be accepted by



the Legislative Drafting Service for processing unless the subject matter of the legislation, with complete information as to details, has been filed with said service no later than the fifth legislative day after January 27, 1977. Any such bill or resolution may not be introduced into the House later than March first.

The clerk read the amendment in full. Rep. Plourde spoke in favor of the amendment.

Reps. Bridges, Marshall French and Sara Townsend spoke against the amendment.

Rep. Bridges offered an amendment to the amendment.

#### Amendment

Amend House Rule 46 by striking out the same and inserting in place thereof the following:

46. No request by a member of the House for drafting a bill or resolution other than the general budget or the capital budget bill, shall be accepted by the Legislative Drafting Service for processing unless the subject matter of the legislation, with complete information as to details, has been filed with said service no later than Thursday, February 3 at 5:00 p.m. Any such bill or resolution may not be introduced into the House later than March first.

Rep. McLane spoke in favor of the amendment.

Rep. Spirou offered an amendment changing the date to February 11 for requests for drafting and March 11 for introduction of bills, and subsequently withdrew his amendment.

Amendment to the amendment adopted. Question being on the original amendment, as amended. Adopted.

Rep. Splaine offered an amendment.

#### Amendment

Amend the Rules of the House by inserting after Rule 43 the following new rule.

43-a. Upon request in writing signed by a majority of the membership of a committee and delivered to the chairman, or upon a vote by a majority of the membership of a committee, a public hearing on any bill referred to such committee shall be conducted in the evening.

The clerk read the amendment in full. Rep. Splaine spoke to the amendment. Reps. Rossley, Dunfey and Cort Hansen spoke in favor of the amendment. Rep. Griffin spoke against the amendment.

Rep. D'Amante moved the previous question. Sufficiently seconded. Adopted.

Rep. Splaine requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 120 NAYS 224

YEAS 120

BELKNAP: Ambrose, Bowler, Gary Dionne, Coyette, Michael Hanson, Hildreth and Marsh.

CARROLL: Roderick Allen, Dickinson, Found.

CHESHIRE: Chase, Dostilio, Daniel Eaton, Hogan, Krause, Lynch, Proctor, Russell, Terry and Terry Wiggin.

COOS: Bradley Haynes, Oleson, Patenaude, Poulin, Theriault, Wiswell and Neila Woodward.

CRAFTON: Chambers, Copenhaver, Cornelius, Dearborn, Neil McIver, Stomberg, Taffe, Ward and Michael Woodward.

HILLSBOROUGH: Alter, Baker, Albert Bellemore, Bernier, Emile Boisvert, Roland Boucher, Brody, Clancy, Mark Connolly, Coutermarsh, Currier, Catherine-Ann Day, Arline Dion, Gelinas, Girolimon, Cort Hansen, Kaklamanos, Armand Lemire, Madigan, McLaughlin, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Pappas, Simard, Edward Smith, Spirou, St. George, Stylianos, Sullivan, Wallin and James J. White.

MERRIMACK: Blakeney, Bodi, Carroll, Eugene Daniell, Foley, McLane, Pelton, Ralph, Rich, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Blanchette, Carpenito, Chapman, Collins, Cotton, Dunfey, Carl Gage, Goff, Hoar, Kashulines, Krasker, Laycock, Joseph MacDonald, Maynard, Pucci, Rossley, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Dianne Herchek, Horrigan, Kelly, Kincaid, Lessard, Maglaras, Morrisette, Rod O'Connor, Dennis Ramsey, Schreiber, Torrey, Voll, Shirley White and Allen Wilson.

SULLIVAN: None

NAYS 224

BELKNAP: Beard, Marshall French, Lawton, Mansfield, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Raymond Conley, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Ladd, Matson, Moore, Parker, Margaret Ramsay, Scranton, Slack, Vrakatitsis and Whipple.

COOS: Burns, Fortier, Horton, Huggins, Hunt, George Lemire, Alcide Valliere and Willey.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Taylor and Madeline Townsend.

HILLSBOROUGH: Ahern, Aubut, Bednar, Belanger, Wilfrid Boisvert, Bosse, Brack, Bidges, Burke, Carswell, Coburn, Corser, Joseph Cote, Margaret Cote, Coughlin, Cullity, William Desmarais, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Karnis, Keefe, Knight, Lachance, Lamy, LaPlante, Lyons, Marcoux, Martin, McGlynn, Morgan, Morrison, Timothy O'Connor, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Sing, Leonard Smith, Soucy, Harold Thomson, Wallace, Geraldine Watson, Welch and Robert Wheeler.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McNichol, Mullin, Arthur Perkins, Pratt, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson and Waters.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, William Boucher, Campbell, Connors, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Felch, Flanagan, Beverly Gage, Ganley, Gould, Greene, Griffin, Hartford, Kane, King, Lovejoy, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Stimmel, Tavitian, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Hebert, James Herchek, Joncas, Joos, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Donald Smith, Tripp and Valley.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the amendment failed.

Rep. George Wiggins offered an amendment.

Amend House rule 57 by striking out same and inserting in place thereof the following:

57. (a) No committee shall be in possession of any bill for more than fifteen legislative days after its assignment to that committee, not counting for the purpose of this rule any legislative days prior to the distribution of printed copies of such measure, unless after a public hearing the committee by a unanimous vote of those committee members

present and voting, vote to table the bill indefinitely in the committee. If this action is taken, the committee shall report to the House that particular bill is "tabled indefinitely by the committee." The bill may be taken from the table by a majority vote of the whole committee. The committee action to table any particular bill referred to it may be overruled by a majority of the House members present and voting, and when such action is taken, said bill shall be discharged from committee and reported for action by the House.

(b) Whenever it shall not be convenient for any committee to attend properly to a bill within fifteen legislative days, the committee may ask the House for extension of time with regard to that particular bill. Each extension of time shall not exceed six legislative days and shall take precedence over action by the Speaker.

(c) When the Clerk notifies the Speaker that fifteen legislative days have passed, and action has not been taken by the committee under either 57 (a) or 57 (b), the Speaker shall then revoke the reference of such measure to the committee and shall place such bill before the House for action, upon giving notice of three legislative days in the calendar. A committee report filed on or before the expiration of such three-day notice period shall take precedence over the order of the Speaker.

(d) This rule shall not apply to bills assigned to the Appropriations Committee or to the Ways and Means Committee.

The clerk read the amendment in full.

Rep. Wiggins spoke in favor of his amendment.

Reps. Daniel Healy, Marshall French, McLane, and Sanders spoke against the amendment.

Rep. Richards moved the previous question. Sufficiently seconded. Adopted.

Rep. George Wiggins requested a roll call and withdrew his request.

Amendment failed.

Question being on the adoption of the Rules Committee's amended proposal.

Amendments adopted.

#### VACATE

Rep. Spaulding moved that the House vacate the reference of HB 129, exempting certain persons from the laws relative to exposing minors to harmful material, to the Committee on Health and Welfare and re-refer said Bill to the Committee on Judiciary.

Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that

all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday next at 1:00 p.m.

Adopted

#### LATE SESSION

Third reading and final passage

HB 10, establishing an age limitation for deputies and special deputies appointed by sheriffs.

HB 13, establishing a hunting season for the taking of foxes and classifying the fox as a fur-bearing animal.

HB 33, repealing the statute relevant to reinstatement of World War II veterans' licenses.

HB 47, establishing a fourth New Hampshire song and providing for the designation of an official New Hampshire song.

HB 54, relative to the administrative procedures act.

HB 61, providing for payment of a claim to Cpl./Tech. Henry P. Paris, Jr., New Hampshire state police and making an appropriation therefor.

HB 84, relative to temporary loans issued under the municipal finance act.

HB 92, legalizing a special town meeting in Pittsfield.

SB 9, legalizing a special meeting of the town of Peterborough.

355 members were recorded as present.

#### ABSENT

Members not answering the attendance call, not granted leave of absence or not excused.

Aeschliman, Shapiro, Mabel Richardson, Arnold, Arnold B. Perkins, Stratton, Knight, Barrett, Emma Wheeler, McDonough, Glyneta Thomson, Kidder, Keough, Pelletier, Richard Hanson, Ainley, Hynes, Orcutt, Helen Wilson, Packard, Colson, Akerman, Marshala, Ziakas, Paradis, James J. White and Ellis.

#### RECESS

Rep. Marshall French offered the following resolution:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 174 through 192 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 174, increasing the fee for motorcycle operator's license to \$12 and providing an effective period for such licenses of 4 years. (Murray of Belknap Dist. 5 - To Transportation)

HB 175, prohibiting the appointment of retired justices of the supreme and superior courts who have attained the age of 70 years as judicial referees, auditors

and masters. (Stockman of Merrimack Dist. 8 - To Judiciary)

HB 176, excluding an exchange of land between owners which does not increase the number of owners from subdivision approval procedures. (Corser of Hillsborough Dist. 2 - To Municipal and County Government)

HB 177, granting the director of fish and game the power to set seasons and bag limits on small game and game birds. (Chandler of Merrimack Dist. 3 - To Fish and Game)

HB 178, changing the deer season for resident hunters. (LaMott of Grafton Dist. 6 - To Fish and Game)

HB 179, requiring the reporting of well digging information to the state geologist. (Campbell of Rockingham Dist. 5 - To Environment and Agriculture)

HB 180, relative to limits on commercial trapping. (Corser of Hillsborough Dist. 2 - To Fish and Game)

HB 181, allowing senior citizens to play beano for nominal cash prize. (Parolise of Rockingham Dist. 5 - To Regulated Revenues)

HB 182, allowing senior citizens to play beano for a nominal cash prize in towns with populations of 20,000 or more. (Parolise of Rockingham Dist. 5 - To Regulated Revenues)

HB 183, relative to the assessment of taxes and the date upon which interest as penalty may be charged for late payment. (Mullin of Merrimack Dist. 10 - To Municipal and County Government)

HB 184, relative to minimum insurance coverage required for aircraft operated for hire and relative to requirements for security deposits and self-insurer certificates. (Sanborn of Rockingham Dist. 9; Coutermarsh of Hillsborough Dist. 24 - To Commerce and Consumer Affairs)

HB 185, making the land use change tax applicable to the entire tract affected. (Snell of Grafton Dist. 4 - To Environment and Agriculture)

HB 186, providing for seasons and bag limits on snowshoe hares and cottontail rabbits. (Felch of Rockingham Dist. 11 - To Fish and Game)

HB 187, amending the penalty provisions of the mobile home park law. (Close of Cheshire Dist. 15 - To Judiciary)

HB 188, increasing the penalty for reckless operation of a motor vehicle. (Close of Cheshire Dist. 15 - To Judiciary)

HB 189, prohibiting participation with the council of state governments. (Cote of Hillsborough Dist. 28 - To Interstate Cooperation)

HB 190, establishing a joint legislative oversight committee and requiring its approval of newly promulgated administrative rules. (Wiggins of Sullivan Dist. 8 - To Executive Departments and Administration)

HB 191, to establish a state liquor store at the Belknap mall in Belmont and making an appropriation therefor. (Mansfield of Belknap Dist. 2 - To Regulated Revenues)



HB 192, relative to the taking of deer in the town of Auburn. (Davis of Rockingham Dist. 2; Benton of Rockingham Dist. 2; Wilson of Rockingham Dist. 2 - To Fish and Game)

#### RECESS

Rep. Marshall French offered the following resolution:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 193 through 215 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 193, relative to class actions under the consumer protection law. (Cornelius of Grafton Dist. 13 - To Judiciary)

HB 194, repealing the requirement for annual application for veteran's property tax exemptions. (Head of Hillsborough Dist. 10 - To Claims, Military and Veterans Affairs)

HB 195, increasing the number of justices on the superior court and making an appropriation therefor. (Taylor of Grafton Dist. 9, Currier of Hillsborough Dist. 15 - To Judiciary)

HB 196, providing for permanent non-driver's picture identification cards for age and residence identification purposes. (Seamans of Hillsborough Dist. 15; Townsend of Sullivan Dist. 1; Richardson of Hillsborough Dist. 5 - To Transportation)

HB 197, exempting certain towns from the prohibition against burning refuse in an open pit. (Snell of Grafton Dist. 4 - To Environment and Agriculture)

HB 198, giving village districts the authority to maintain ambulance services. (Gould of Rockingham Dist. 4; Lovejoy of Rockingham Dist. 4; Quimby of Rockingham Dist. 4; Bisbee of Rockingham Dist. 4; Barka of Rockingham Dist. 4 - To Municipal and County Government)

HB 199, relative to the licensure of occupational therapists. (Campbell of Rockingham Dist. 5; Blanchette of Rockingham Dist. 14; Nighswander of Belknap Dist. 2; Murray of Hillsborough Dist. 3 - To Health and Welfare)

HB 200, permitting a court to require a delinquent child to make restitution. (Currier of Hillsborough Dist. 15 - To Statutory Revision)

HB 201, permitting a presidential candidate to determine the order in which the names of delegates pledged to as favorable to him appear within that group pledged to as favorable to him on the presidential primary ballot. (Wallin of Hillsborough Dist. 16 - To Statutory Revision)

HB 202, establishing a Pittsfield judicial district and a Pittsfield district court. (Ayles of Merrimack Dist. 8; Stockman of Merrimack Dist. 8; Waters of Merrimack Dist. 9; Sen. Lamontagne of Dist. 1; Sen. Gardner of Dist. 4 - To Judiciary)

HB 203, repealing the requirement that all homeowners' insurance policies must contain workmen's compensation coverage. (Coburn of Hillsborough Dist. 11 - To Labor, Human Resources and Rehabilitation)

HB 204, repealing RSA 312 relating to auctions of personal property. (LaMott of Grafton Dist. 6; Buckman of Grafton Dist. 9; Townsend of Sullivan Dist. 1 - To Commerce and Consumer Affairs)

HB 205, relative to claims for damages against motor transport companies. (Murray of Belknap Dist. 5 - To Transportation)

HB 206, relative to inheritance tax exemptions. (Sullivan of Hillsborough Dist. 18 - To Ways and Means)

HB 207, relative to hunting with bow and arrow. (Stimmell of Rockingham Dist. 1; Sen. Blaisdell of Dist. 10 - To Fish and Game)

HB 208, relative to public hearings on variances of zoning regulations. (Hanson of Merrimack Dist. 5; McNichol of Merrimack Dist. 5 - To Municipal and County Government)

HB 209, relative to the procedures of the board of adjustment and the planning boards. (Desnoyer of Sullivan Dist. 4 - To Municipal and County Government)

HB 210, making it illegal to take trout less than 6 inches in length. (Huggins of Coos Dist. 1; Bisbee of Rockingham Dist. 4 - To Fish and Game)

HB 211, relative to a special hunting and fishing license for certain property owners. (Bibbo of Merrimack Dist. 2 - To Fish and Game)

HB 212, permitting towns to appropriate funds for snow removal from private driveways. (Clark of Grafton Dist. 5 - To Municipal and County Government)

HB 213, relative to reconsidering an action taken at a town meeting, village district meeting or school district meeting. (Bisbee of Rockingham Dist. 4; Buckman of Grafton Dist. 9 - To Municipal and County Government)

HB 214, providing a penalty for the false reporting of a motor vehicle accident. (Dearborn of Grafton Dist. 11 - To Constitutional Revision)

HB 215, permitting the posting of "for sale" signs in mobile home parks. (Close of Cheshire Dist. 15 - To Statutory Revision)

Rep. Marshall French moved that the House adjourn.

Adopted.



# HOUSE JOURNAL 5

*Tuesday, 1 Feb 77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain Milton L. Smith, Sr.

Occasionally, Lord, our high hopes and dreams are realized here, and it makes us feel fulfilled and worthwhile. But more often than not, much of our labor and energy amounts to nothing, or at least it seems this way, with the passage of some bills and the defeat of others. Keep us from being discouraged. Give us grace in the face of seeming failure to try, try again. Give us strength to do what we believe is right and just in Your sight. Let us be assured that we need not be ashamed of honest and determined effort. God bless the concerned and dedicated men and women of this great legislative body. Amen!

Rep. Sing led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. DeCesare, John Winn, Forsaith Daniels, Brody, Orcutt and Record, the day, illness.

Reps. Burchell, Seamans, Drewniak, Crotty, Armand Lemire, Tripp and Chapman, the day, important business.

## COMMITTEE REPORTS

HB 74, reimbursing the North Conway fire department for search and rescue operations and making an appropriation therefor. Ought to Pass. Rep. Paradis for Claims, Military and Veterans Affairs.

The State of New Hampshire has the overall responsibility for all aspects of the state park system, to include "search and recovery" operations for lost, stranded or injured persons. Since 1966 the North Conway Fire Department has performed the actual search and recovery operations in Echo Lake State Park (near North Conway) for the state of New Hampshire, and has bi-annually been reimbursed by the

state, through legislation. This bill reimburses North Conway for search and recovery operations performed during 1975 and 1976.

Referred to Appropriations.

After consulting with the Chairman of the committee, the Speaker rescinded the referral.

Ordered to third reading.

HB 6, granting reciprocity to certain licensed cosmetologists from other jurisdictions, if that jurisdiction participates in national testing. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill will extend reciprocity to those cosmetologists, instructors or manicurists who are licensed in other states that maintain a like standard substantially equivalent to this state and participates in national testing program.

## Amendment

Amend RSA 314:10, I (c) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(c) Reciprocity for Certain Non-Residents. The board may license without examination any cosmetologist, instructor or manicurist who has been registered or licensed as such under the laws of another state which, in the opinion of the board, maintains a standard substantially equivalent to that of this state or which participates in a national testing program for cosmetologists approved by the board and in which cosmetologists, instructors or manicurists licensed in this state are given like recognition, upon payment of the fee herein provided.

Amendment adopted.

Ordered to third reading.

HB 60, relating to registration and examination fees for professional engineers. Ought to Pass. Rep Lamy for Commerce and Consumer Affairs.

The fee portion of this bill is to bring the fee schedule in line with 1977 conditions. The present schedule was approved in 1971. The committee was informed that the registration fees for most other professions are higher. There was no objection to the

higher fees. The State Board of Registration for Professional Engineers needs the additional funds to perform its work.

Two other changes are housekeeping. Section 23 is a grandfather clause which has not been effective since 1949. Section 24 referred to veterans entitled to registration under the grandfather clause.

Ordered to third reading.

HB 69, relative to the licensing of groomers of domestic animals. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

This will hurt the consumer more than it will help. No license is required, no teeth in it. A self-interest for the group. Policing this bill would require additional work for the Agriculture Department without generating enough revenue to compensate it for the work. Resolution adopted.

HB 87, requiring first aid instruction for pupils between the fifth and eighth grade by a person certified by the red cross. Inexpedient to Legislate. Rep. Chandler for Education.

The Committee considered the idea to be laudable, but did not want to mandate more programs on local school boards, especially when the new programs might require additional funding. The vote was 18-0. Resolution adopted.

HB 75, relative to purchase exceptions in the department of administration and control. Inexpedient to Legislate. Rep Close for Executive Departments and Administration.

Concerned state agencies agreed on a different solution to this problem. Sponsor requested that the bill be withdrawn. Resolution adopted.

HB 32, relative to the duties of the director of mental health in regard to community mental health programs. Ought to Pass. Rep Eugene S. Daniell, Jr. for Health and Welfare.

To specifically authorize the Director of Mental Health to annually update and bring into compliance with the federal law the state plan for Comprehensive Mental Health Services as it applies to community mental health centers. Ordered to third reading.

HB 9, providing a penalty for leaving the scene of a skiing accident under certain circumstances. Inexpedient to Legislate. Rep. Frizzell for Judiciary.

To require any person involved in a skiing accident to report same to the proper authorities, otherwise guilty of a violation. The committee felt that, based on the testimony, the problem was not serious enough to justify a law, occurrence in relation to number of accidents minimal, can be controlled by proprietors. Resolution adopted.

#### ENROLLED BILLS REPORT

SB 9, legalizing a special meeting of the town of Peterborough.

Rep. Webster E. Bridges  
For The Committee.

Its admittance having been approved by the Subcommittee on Resolutions and Screening, Rep. Marshall French offered the following:

#### HOUSE RESOLUTION NO. 8

HR 8, regarding the cutoff date of unsponsored bills filed by state offices, departments or agencies.

WHEREAS, it has been the practice and the rule in this Legislature that the deadline for filing drafting requests by state officers, departments and agencies in the Office of Legislative Services is October 1st preceding the session and

WHEREAS, no bill may be introduced in the House of Representatives after February 3, 1977 that has not first been approved by the Rules Committee of the House of Representatives and

WHEREAS, more than 80 drafting requests by state officers, departments and agencies have been filed and drafted but remain unsponsored and

WHEREAS, the inability to secure sponsors for these bills strongly suggests that the subject matter of those bills has failed to win legislative support, now therefore be it,

RESOLVED, that any bills filed by state officers, departments or agencies remaining unsponsored on February 3, 1977 should not be approved by the Rules Committee for introduction after that date.

Rep. Marshall French spoke in favor of the resolution and yielded to questions.

Reps. James Murray and Bridges spoke in favor of the resolution. Adopted.

Rep. Lyons reported for the Subcommittee on Resolutions and Screening

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 3 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 74, reimbursing the North Conway fire department for search and rescue operations and making an appropriation therefor.

HB 6, granting reciprocity to certain licensed cosmetologists from other jurisdictions, if that jurisdiction participates in national testing.

HB 60, relating to registration and examination fees for professional engineers.

HB 32, relative to the duties of the director of mental health in regard to community mental health programs.

324 members were recorded as present.

#### ABSENT

Members not answering the attendance call, not granted leave of absence or not excused.

Bellerose, Plourde, Krasker, Cecelia Winn, Catherine-Ann Day, Shapiro, Dupont, Shea, Arnold, Barka, Miller, St. George, Goff, Alter, Timothy O'Connor, Goyette, Kidder, Burchell, Paul Riley, Tucker, Appel, Howard, O'Keefe, Dickinson, Gelinas, Sullivan, Elmer Johnson, Ellis, Stefanides and Madigan.

#### RECESS

(Rep. Marshall French in the Chair)

Rep. Fortier offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 216 through 230 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 216, authorizing the sale of bonds to cover the local share of construction costs on the Winnepesaukee river basin project. (French of Belknap Dist. 1, for Department of Water Supply and Pollution Control - To Resources, Recreation and Development)

HB 217, relative to tuition for foster children. (Krause of Cheshire Dist. 8; Moore of Cheshire Dist. 1, for Department of Education - To Education)

HB 218, renaming the bureau of off-highway recreational vehicles; renaming the supervisor of the bureau; and creating additional responsibilities for the bureau. (French of Belknap Dist. 1, for Department of Resources and Economic Development - To Transportation)

HB 219, to reclassify certain highways in the city of Rochester. (Ruel of Strafford Dist. 13; Burchell of Strafford Dist. 12; Appleby of Strafford Dist. 11; Preston of Strafford Dist. 15; Tripp of Strafford Dist. 15; Meader of Strafford Dist. 14, for Department of Public Works and Highways - To Public Works)

HB 220, relative to state bridge and town bridge aid. (Coburn of Hillsborough Dist. 11, for Department of Public Works and Highways - To Public Works)

HB 221, requiring towns to add newly constructed residence to the tax rolls immediately upon occupancy. (Wight of Hillsborough Dist. 10 - To Municipal and County Government)

HB 222, to restrict the transfer of county paupers to county institutions. (Sweeney of Hillsborough Dist. 34 - To State Institutions)

HB 223, requiring all lobbyists to wear a name tag when lobbying in the state house or the legislative office building. (Hess of Merrimack Dist. 6; Daniell of Merrimack Dist. 13; Bowler of Belknap Dist. 3 - To Legislative Administration)

HB 224, relative to the training of dogs. (Wiggins of Sullivan Dist. 8 - To Fish and Game)

HB 225, to provide for the application by the state of New Hampshire to the Congress of the United States for the calling of a convention for proposing an amendment to the constitution of the United States. (Chandler of Merrimack Dist. 3 - To Constitutional Revision)

HB 226, relative to making a supplemental appropriation for the veterans' home. (Preston of Strafford Dist. 15 - To State Institutions)

HB 227, relative to procedures for appointment and removal of the deputy commissioner of safety. (Waters of Merrimack Dist. 9; Plourde of Merrimack Dist. 7 - To Executive Departments and Administration)

HB 228, increasing highway aid to towns and cities. (Daniell of Merrimack Dist. 13 - To Public Works)

HB 229, amending certain provisions of the statutes relative to OHRVs. (French of Belknap Dist. 1; Dickinson of Carroll Dist. 2; Stimmell of Rockingham Dist. 1 - To Transportation)

HB 230, relative to establishing an open season for the taking of wild doves. (Boucher of Rockingham Dist. 3 - To Fish and Game)

#### RECESS

(Speaker in the Chair)

Rep. Marshall French moved that the House adjourned.

Adopted.

# HOUSE JOURNAL 6

*Thursday, 3 Feb 77*

The House met at 1:00 o'clock.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

"Night is drawing nigh—  
For all that has been — Thanks!  
To all that shall be — Yes!" (Dag Hammarskjöld, MARKINGS, p. 89)

Help us as we gather here, once more, to be reminded of that childhood song, "Count your blessings, count them one by one ——" Surely we can do this as Americans. To reflect but a brief while will cause us to give sincere thanks. And Thanksgiving is expressed in thanksgiving. And thanksgiving is saying "Yes!" to "all that shall be" our responsibility — today! O God, help us to be responsible people as we approach the business at hand and offer ourselves, our time and our talent, in service. Amen!

Rep. Madeline Townsend led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Aldrich, Forsaith Daniels, John Winn, Record and DeCesare, the day, illness.

Reps. Armand Lemire, Burchell, Miller, Paul Riley, Ralph, Sanders, Zabarsky, Chapman, Ganley and Kane, the day, important business.

Rep. Hartford, the day, weather conditions.

## INTRODUCTION OF GUESTS

The Speaker introduced William J. Rogers, National Commander of the American Legion, guest of the Speaker and Reps. King and Levesque. Mr. Rogers addressed the House briefly.

Civics Class from Newmarket High School, guests of Reps. Blanchette and Wojnowski; Col. John Pelton, father of Rep. Pelton; Bruce Scamman, son of Rep. Scamman; John Mango, Selectman from Litchfield, guest of Rep. Lyons; G. Colby Weeks, Treasurer of Carroll County, guest of Rep. Raymond Conley.

## VACATE

Rep. James Murray moved that the House vacate the reference of HB 71, to reclassify a certain highway in the city of Dover, to the Committee on Transportation and re-refer said bill to the Committee on Public Works.

Adopted.

## COMMITTEE REPORTS

HB 83, eliminating the position of chancellor of the university system. Inexpedient to Legislate. Rep. Chandler for Education.

No evidence was presented to the Committee indicating a need to abolish the position of Chancellor. Much

evidence was presented indicating that the system needs a "shepherd."

The sponsors indicated they believed the system needs more legislative oversight, and the Education Committee, working with the Appropriations Committee and the special legislative oversight committee established in 1973, intend to provide this. The Committee vote was unanimous. Resolution adopted.

HB 4, amending the hunting season for raccoons. Ought to Pass with Amendment. Rep. Stimmell for Fish and Game.

Changes the season for taking of raccoons. Eliminates the month of August and adds the month of September. The amendment makes the coon season statewide. Intent, more protection for the raccoons.

## Amendment

Amend RSA 210:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:  
210:2 Raccoons. Raccoons may be taken and possessed with the aid of and by the use of a dog and gun from September 1 to December 31, and, by the use of traps in Coos, Grafton and Carroll counties from October 20 to December 31 and in Belknap, Cheshire, Hillsborough, Merrimack, Rockingham, Strafford and Sullivan counties from November 1 to December 31. No person shall take more than 3 raccoons from 12 noon of one day to 12 noon of the following day, nor more than 25 raccoons in one season. No person shall hunt raccoons at night by the use of a rifle, revolver, or pistol larger than .22 caliber long rifle or by the use of shotgun shells carrying shot larger than number 4 or by the use of a light other than a kerosene lantern or pressure type lantern or by the use of a flashlight with more than 7 cells. No person shall take or attempt to take raccoons by use of a light from a motor vehicle.

Amendment adopted.

Ordered to third reading.

HB 37, relative to the taking of wild deer in the town of Chester. Ought to Pass. Rep. Stimmell for Fish and Game. Local option bill for town of Chester. Includes muzzle loading weapon with the present shotgun only law. Ordered to third reading.

HB 38, requiring an autopsy to be performed on deceased under certain circumstances. Inexpedient to Legislate. Rep. Raymond Conley for Statutory Revision. Sponsor wishes to withdraw this bill. Resolution adopted.

HB 18, to require the operator of a motor vehicle to report an injury to a dog struck by his vehicle. Ought to Pass with Amendment. Rep. James Murray for Transportation.



The intent of this bill is to aid dog owners in knowing the whereabouts of their missing, killed or injured dogs. Secondly it seeks to protect a dog injured as a result of an accident from dying or being further injured. Finally, this bill would aid motorists in claiming liability when damage is caused to their vehicle in areas where there are restraints on free roaming dogs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Conduct after Injury to Dog. Amend RSA 262-A by inserting after section 5 the following new section:

262-A:5-a Report of Injury to Dog. The operator of any motor vehicle who knowingly strikes a dog shall forthwith report the incident to the dog's owner or custodian or to a police officer. Whoever fails to comply with the requirements of this section shall be guilty of a violation.

2 Effective Date. This act shall take effect 60 days after its passage.

Rep. James Murray yielded to questions from Rep. Close.

Amendment adopted.

Rep. George Wiggins moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke to his motion.

Reps. Sabbow, Coutermarsh and James Murray spoke against the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

Question being on the Wiggins' motion. Motion lost.

Ordered to third reading

HB 26, requiring the use of a protective safety cage when changing split rim truck tires in a repair shop, garage or service station. Ought to Pass with Amendment. Rep. James Murray for Transportation.

The founders of this legislation intend to prevent further needless death and injury caused by careless tire changing procedures. This prevention is carried out by the use of a protective safety device to be used to restrain the split rim when the person is changing the tire.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Split Rim Tire Repair; Use of Protective Safety Device Required. Amend RSA 269 by inserting after section 8 the following new section:

269:9 Protective Safety Device Required.

I. In this section:

(a) "repair shop" means any business regularly and actively engaged in the repair of motor vehicles for compensation.

(b) "protective safety device" means a device used in the changing of split rim tires which contains the 2 pieces of the split rim in a static position while the tire is being inflated.

(c) "split rim" means a 2 piece tire rim commonly employed as a mount for truck tires.

II. No person shall engage or cause his employee to be engaged in the practice of changing or repairing split rim tires, in a repair shop, without making use of a protective safety device in the process of inflating such tires.

III. The penalty for noncompliance with this section is a violation.

Amendment adopted.

Ordered to third reading.

HB 30, providing for special motor vehicle number plates for military aides to the governor. Inexpedient to Legislate. Rep. James Murray for Transportation.

The intent of the bill was to provide military aides to the governor with recognition. The majority felt recognition need not be expressed in the form of special plates. New Hampshire, a small state with the nation's largest legislature, permits the issuance of nearly 450 special legislative plates. The committee feels that adding anymore plates, particularly for persons not elected by the voting process would only injure the public relations of the legislature.

Rep. Myrl Eaton moved that the words, ought to pass, be substituted for the committee report of inexpedient to legislate, and spoke to his motion.

Reps. Henry Richardson and James Humphrey spoke in favor of the motion and yielded to questions.

Rep. James Murray spoke against the motion and yielded to questions.

Question being on the Eaton motion.

Motion lost.

Resolution adopted.

HB 72, making general revisions of the laws relating to parachuting. Ought to Pass. Rep. James Murray for Transportation.

This bill, requested by the Aeronautics commission, changes several existing definitions in laws relating to parachuting and changes several prohibited parachuting practices.

Ordered to third reading.

#### RECONSIDERATION

Rep. Tucker moved that that the House reconsider its action whereby it passed (Feb. 1) HB 60, relating to registration and examination fees for professional engineers, and return HB 60 to second reading, and spoke to his motion.

Rep. Lyons spoke in favor of the motion.

Reconsideration carried.

Under the Rules of the House, the Speaker referred HB 60 to Appropriations.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 8 at 1:00 p.m.

#### LATE SESSION

Third reading and final passage

HB 4, amending the hunting season for raccoons.

HB 37, relative to the taking of wild deer in the town of Chester.

HB 18, to require the operator of a motor vehicle to report an injury to a dog struck by his vehicle.

HB 26, requiring the use of a protective safety cage when changing split rim truck tires in a repair shop, garage or service station.

HB 72, making general revisions of the laws relating to parachuting.

#### RECESS

355 members were recorded as present.

#### ABSENT

Members not answering the attendance call, not granted leave of absence or not excused:

Reps. Ambrose, Goyette, Lynch, Barrett, Albert Bellemore, Clancy, Colson, Currier, Marcoux, McDonough, Normand, Shea, Sullivan, Kidder, Shapiro, Stefanides, Ellis, Krasker, Joseph MacDonald, O'Keefe, Horrigan, Joncas, Maloomian, Sackett, Tripp, Lucas.

(Rep. Marshall French in the Chair)

Rep. Hoar offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 231 through 270 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 231, relative to blood alcohol tests. (Mansfield of Belknap Dist. 2 - To Judiciary)

HB 232, relative to boat number and initial plates. (Murray of Belknap Dist. 5 - To Transportation)

HB 233, relative to restrictions on the use of landings for aircraft operated for compensation or hire. (Sanborn of Rockingham Dist. 9, for the Aeronautics Commission - To Transportation)

HB 234, allowing the holder of motorcycle learner's permit to drive a motorcycle to and from a licensing examination. (Shepard of Merrimack Dist. 4, for the Department of Safety - To Transportation)

HB 235, to permit stolen and other property to be restored to rightful owners in advance of trial. (Dickinson of Carroll Dist. 2; Allen of Carroll Dist. 5; Conley of Carroll Dist. 3; Claflin of Carroll Dist. 4 - To Judiciary)

HB 236, relative to the student trustee in the state university system. (Lessard of Strafford Dist. 20; Sen. Jacobson of Dist. 7; Griffin of Rockingham Dist. 19; Sen. Fennelly of Dist. 21; Splaine of Rockingham Dist. 19; Dickinson of Carroll Dist. 2; O'Connor of Strafford Dist. 18; Gage of Rockingham Dist. 13; Cornelius of Grafton Dist. 13; Wiggins of Cheshire Dist. 14; Chase of Cheshire Dist. 15; Grassie of Strafford Dist. 12; Wilson of Strafford Dist. 11; Morrisette of Strafford Dist. 7 - To Education)

HB 237, relative to the criterion for school attendance. (Day of Hillsborough Dist. 26; White of Strafford Dist. 8 - To Education)

HB 238, relative to the investment powers of savings banks. (Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 239, providing for local designation of certain specified resource areas as critical and locally regulating land use therein. (Dickinson of Carroll Dist. 2; Sen. Trowbridge of Dist. 11; Chambers of Grafton Dist. 13; Sen. Hancock of Dist. 15 - To Environment and Agriculture)

HB 240, exempting certain towns from the prohibition against burning refuse in an open pit. (Dickinson of Carroll Dist. 2; Thomson of Hillsborough Dist. 7; Wiggins of Sullivan Dist. 8; Boucher of Rockingham Dist. 3 - To Environment and Agriculture)

HB 241, repealing the requirement to print hydrophobia symptoms on dog licenses. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 242, restricting the horsepower of motorboats operating upon White Oak pond in Holderness. (Taylor of Grafton Dist. 9 - To Resources, Recreation and Development)

HB 243, relative to a hunting accident in which a person is wounded or killed. (Pratt of Merrimack Dist. 21 - To Fish and Game)

HB 244, relative to compensation of registers and deputy registers of probate. (Cummings of Rockingham Dist. 7 - To Municipal and County Government)

HB 245, providing for a change in the assessment and collection of the resident tax. (Parr of Rockingham Dist. 12 - To Municipal and County Government)

HB 246, authorizing savings banks to invest in subsidiary corporations engaged in personal property lease financing. (Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 247, amending the charter of the city of Laconia relative to the police commission. (Hildreth of Belknap Dist. 6 - To Municipal and County Government)

HB 248, relative to mandatory sentences for felonious use of firearms. (Dickinson of Carroll Dist. 2; Riley of Merrimack Dist 6; Taffe of Grafton Dist. 5; Sen. Monier of Dist. 9; Ganley of Rockingham Dist. 13; Gemmill of Grafton Dist 10; Close of Cheshire Dist. 15 - To Judiciary)

HB 249, removing the deputy of any department or agency which receives federal grants-in-aid from the classified state service. (McLane of Merrimack Dist. 16, for Department of Personnel - To Executive Departments and Administration)

HB 250, establishing procedures for search and rescue operations; establishing a search and rescue account, and making an appropriation therefor. (Thomson of Hillsborough Dist. 7; Dickinson of Carroll Dist. 2; Huggins of Coos Dist. 1, for Department of Fish and Game - To Fish and Game)

HB 251, relative to the police standards and training council. (Packard of Merrimack Dist. 4 - To Statutory Revision)

HB 252, guaranteeing freedom of speech, right of criticism and disclosure for all state employees. (Daniell of Merrimack Dist. 13; Spirou of Hillsborough Dist. 27; Plourde of Merrimack Dist. 7; Chambers of Grafton Dist. 13; Ralph of Merrimack Dist. 13 - To Constitutional Revision)

HB 253, relative to discount on the tobacco stamp tax. (Parr of Rockingham Dist. 12; Sen. Rock of Dist. 12 - To Ways and Means)

HB 254, relative to the eligibility requirements for a Vietnam veteran's bonus. (Sanborn of Rockingham Dist. 9 - To Claims, Military and Veterans Affairs)

HB 255, relative to the registration of aircraft or air carriers that are "home based" in New Hampshire. (Sanborn of Rockingham Dist. 9, for the Aeronautics Commission - To Transportation)

HB 256, increasing the per diem pay for members of the aeronautics commission. (Sanborn of Rockingham Dist. 9, for the Aeronautics Commission - To Executive Departments and Administration)

HB 257, establishing a permanent joint legislative committee on elderly affairs. (Rogers of Rockingham Dist. 10; Cunningham of Rockingham Dist 12; Richardson of Hillsborough Dist 5; Sen. Foley of Dist. 24 - To Legislative Administration)

HB 258, restricting the disposal of nuclear wastes in the state and within the coastal jurisdiction of the state. (Parr of Rockingham Dist. 12; Sen. Hancock of Dist. 15 - To Science and Technology)

HB 259, establishing the ladybug as the state insect of New Hampshire. (Johnson of Merrimack Dist. 15; Watson of

Merrimack Dist. 15 - To Claims, Military and Veterans Affairs)

HB 260, providing for certification of individuals as qualified soil scientists. (Campbell of Rockingham Dist. 5 - To Environment and Agriculture)

HB 261, to reimburse the town of Dummer for revenue lost due to the taking of Pontook dam and making an appropriation therefor. (Olson of Coos Dist. 5; Keough of Coos Dist. 5; Sen. Lamontagne of Dist. 1 - To Claims, Military and Veterans Affairs)

HB 262, reducing the penalty for possession of one ounce or less of marijuana to a violation with a mandatory fine. (Grassie of Strafford Dist. 12; O'Keefe of Rockingham Dist. 21; Chambers of Grafton Dist. 13; Poulin of Coos Dist. 9; McLane of Merrimack Dist. 16; Burchell of Strafford Dist. 12; Pelton of Merrimack Dist. 3; Dion of Hillsborough Dist. 35; Taylor of Grafton Dist. 9; Ramsey of Strafford Dist. 13; French of Strafford Dist. 21; Dunfey of Rockingham Dist. 12; Patenaude of Coos Dist. 7; Wilson of Strafford Dist. 11; Bernier of Hillsborough Dist. 36; Morrisette of Strafford Dist. 7; Foley of Merrimack Dist. 1; Woodward of Coos Dist. 2; Rossley of Rockingham Dist. 23; Kelly of Grafton Dist. 19; O'Connor of Hillsborough Dist. 33; Wiggin of Cheshire Dist. 14; Wojnowski of Rockingham Dist. 14; Woodard of Grafton Dist. 8; Smith of Hillsborough Dist. 34; Bellemore of Hillsborough Dist. 34 - To Judiciary)

HB 263, relative to the emergency generator at the state prison. (Coburn of Hillsborough Dist. 11 - To State Institutions)

HB 264, permitting towns to adopt a code of ethics for town officers. (Bednar of Hillsborough Dist. 14; Mann of Grafton Dist. 6; Wiggins of Sullivan Dist. 8 - To Municipal and County Government)

HB 265, expanding the definition of family day care homes. (Anne Gordon of Cheshire Dist. 8 - To Health and Welfare)

HB 266, relative to meetings of supervisors of the checklist in cities and towns. (Splaine of Rockingham Dist. 19; Rossley of Rockingham Dist. 23; Dunfey of Rockingham Dist. 12; Morrisette of Strafford Dist. 7 - To Statutory Revision)

HB 267, establishing a Bristol judicial district and a Bristol district court. (Rounds of Grafton Dist. 12 - To Judiciary)

HB 268, requiring public utilities commissioners to serve in a full-time capacity. (Murray of Belknap Dist. 5 - To Executive Departments and Administration)

HB 269, relative to the suspension and revocation of a person's license or operating privilege. (Waters of Merrimack Dist. 9, for the Department of Safety - To Transportation)

HB 270, amending the capital improvement appropriation for the aeronautics commission relative to total project cost in order to permit use of appropriated funds with increased percentage of federal participation.

(Sanborn of Rockingham Dist. 9, for the  
Aeronautics Commission - To Transportation)

RECESS

(Rep. Marshall French in the chair)

Rep. James White offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Constitutional Amendment Concurrent Resolution No. 9 shall be by this resolution read a first and second time by the therein listed title, laid on the table for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF CACR

First, second reading and referral  
CACR 9, relating to restrictions on highway fund expenditures. Providing that highway revenues may be used for the development of all modes of transportation. (Richardson of Hillsborough, Dist. 5; Rogers of Rockingham, Dist. 10; Cunningham of Rockingham, Dist. 12 - to Constitutional Revision)

RECESS

(Speaker in the chair)

Rep. Marshall French moved the House adjourn.

Adopted.



# HOUSE JOURNAL 7

*Tuesday, 8 Feb 77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain,

Milton L. Smith, Sr.

Thank You Lord for that lesson the other day. It came through Good Ole Charlie Brown and his sister Sally.

Do You know Lord, some numbers can't be trusted? Did you know that you can't trust 3's? 3's like to turn sideways and pretend they're m's or n's! Sometimes they face the other way to make you think they're E's. And sometimes they'll even lie on their backs and pretend they're w's. You just can't trust 3's!

Can we be trusted? We are not here to play games! Can we be trusted? Will we allow ourselves the dubious luxury of twisting and turning, compromising and doing the expedient, getting together and "getting at" - pretending? O God keep us from the 3 dollar bill type of government. Give us the courage to say what we mean and mean what we say. Leave us not alone. Guide us by Thy Holy Spirit that our "yeas" and "nays" may be pleasing to You and surely serve the state and people intrusted to our care. In the name of the One who shows us the Way, Jesus Christ. Place your blessing upon Rep. J. Thornton Tripp and family, whose lives have been saddened by the death of his wife, Blanche. Amen!

Rep. Stimmell led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Record, Frizzell, L. Penny Dion, John Winn, Shea and Forsaith Daniels, the day, illness.

Reps. Nemzoff-Berman, Palmer, Morrison, Griffin, Zabarsky, Howard, King and Goyette, the day, important business.

## INTRODUCTION OF GUESTS

Carroll Sleeper of Greenfield, guest of Rep. William Boucher; Kevin Russell, son of Rep. Russell, just returned from the National Special Olympics in Steamboat Springs, Colorado where he won a medal.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 271 through 296 and Concurrent Resolution Proposing Constitutional Amendments numbered 10 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral  
HB 271, relative to the proper display of the state and national flags. (Keefe of Hillsborough Dist. 23; Beard of Belknap Dist. 5, for Department of Education - To Education)

HB 272, placing petrochemical facilities under the authority of the energy facility evaluation committee. (Greene of Rockingham Dist. 17 - To Science and Technology)

HB 273, relative to voter party registration procedures. (Spaulding of Sullivan Dist. 4; LeBrun of Sullivan Dist. 3 - To Statutory Revision)

HB 274, requiring all motor vehicle accidents to be reported to a duly authorized police authority. (Dearborn of Grafton Dist. 11, for Department of Safety - To Transportation)

HB 275, relative to expanding the jurisdiction of the legislative utility consumers' council. (Cote of Hillsborough Dist. 28 - To Legislative Administration)

HB 276, to transfer certain costs of the superior court from the counties to the state, and making an appropriation therefor. (Maynard of Rockingham Dist. 18; Daniell of Merrimack Dist. 13; Cummings of Rockingham Dist. 7 - To Judiciary)

HB 277, legalizing all dams in existence that were constructed prior to 1850. (Anne Gordon of Cheshire Dist. 8 - To Resources, Recreation and Development)

HB 278, relative to the operation of retail gasoline outlets. (Crotty of Hillsborough Dist. 30 - To Commerce and Consumer Affairs)

HB 279, extending the hunting season for partridge. (Boucher of Rockingham Dist. 3 - To Fish and Game)

HB 280, relative to ownership of certain unlicensed dogs and the penalty involved for not licensing a dog. (Hanson of Merrimack Dist. 5 - To Municipal and County Government)

HB 281, excluding land zoned as "industrial" from the provisions of RSA 79-A, except if said land is subject to discretionary easements. (Lyons of Hillsborough Dist. 13; Dickinson of Carroll Dist. 2; Carswell of Hillsborough Dist. 13 - To Executive Departments and Administration)

HB 282, placing a consumer on the commission of pharmacy and practical chemistry. (Cote of Hillsborough Dist. 28; Daniell of Merrimack Dist. 13 - To Commerce and Consumer Affairs)

HB 283, prohibiting felons from holding public office. (Crotty of Hillsborough Dist. 30; Drewniak of Hillsborough Dist. 30 - To Judiciary)

HB 284, making the deputy commissioner of safety a group II member of the New Hampshire retirement system. (Waters of Merrimack Dist. 9 - To Claims, Military and Veterans Affairs)

HB 285, including personnel of the state university system under the minimum wage law. (C. Winn of Hillsborough Dist. 19; Sackett of Strafford Dist. 4; Van Loan of Hillsborough Dist. 9 - To Labor, Human Resources and Rehabilitation)

HB 286, increasing the number of fish and game commissioners from 10 to 11 by providing for 2 commissioners from Rockingham county. (Thomson of Grafton Dist. 7 - To Fish and Game)

HB 287, relative to defining limited access highways in regulating OHRVs. (Murray of Belknap Dist. 5 - To Transportation)

HB 288, relative to emergency medical technicians. (Waters of Merrimack Dist. 9 - To Health and Welfare)

HB 289, including a motorcycle operator's license under the requirements for driver education. (Murray of Belknap Dist. 5, for Department of Safety - To Transportation)

HB 290, relative to increasing the insurance requirements of motor vehicle drivers' schools. (Murray of Belknap Dist. 5, for Department of Safety - To Transportation)

HB 291, making an appropriation to the department of resources and economic development for grants and loans for projects authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965. (McAvoy of Grafton Dist. 1; Snell of Grafton Dist. 4; LaMott of Grafton Dist. 6; Pepitone of Grafton Dist. 3; Cate of Grafton Dist. 3; Allen of Grafton Dist. 1; Ward of Grafton Dist. 1, for Department of Resources and Economic Development - To Public Works)

HB 292, redefining "average weekly wage" under the workmen's compensation law. (Burns of Coos Dist. 4 - To Labor, Human Resources and Rehabilitation)

HB 293, relative to legal investments for savings banks. (Hough of Grafton Dist. 14 - To Commerce and Consumer Affairs)

HB 294, providing for state grants to persons subject to catastrophic illness and making an appropriation therefor. (Spaulding of Sullivan Dist. 4 - To Health and Welfare)

HB 295, prohibiting the establishment of a real estate branch office unless it is staffed by at least one full-time licensed real estate broker or experienced salesman. (Hoar of Rockingham Dist. 8; Keller of Carroll Dist. 5 - To Commerce and Consumer Affairs)

HB 296, providing for the amendment of articles of agreement or legislative charter by a mutual savings bank or guaranty savings bank. (Burns of Coos Dist. 4 - To Commerce and Consumer Affairs)

CACR 10, Relating to: Land Use Controls. Providing that: Land Use Control Legislation be Subject to Referendum and Local Option. (Cote of Hillsborough Dist. 28 - To Constitutional Revision).

#### COMMITTEE REPORTS

HB 77, providing for payment of a claim to Jean Bryar and Robert Lamprey, Jr. and making an appropriation therefor. Inexpedient to Legislate. Rep. Myrl Eaton for Claims, Military and Veterans Affairs.

A subcommittee explored the allegations of the appellant, considered written and verbal evidence

and did interrogate the Real Estate Commission investigator. The Commission, acting in accordance with a permissive statute, did not attempt to reconcile the parties prior to a formal hearing, but did suggest a settlement during the hearing. As a result of the formal hearing, one individual was found to have indulged in prohibited conduct, and that individual's license was suspended; the firm of the appellant was cleared of indulging in any prohibited conduct. The Committee did not feel it appropriate to award legal fees to the appellant on the grounds that the Real Estate Commission did act upon a legitimate complaint, did conduct the hearing in accordance with pertinent statute, and did render a fair and objective decision. Resolution adopted.

CACR 1, relating to amendments to the constitution proposed by the general court. Providing that the authority of the general court to propose constitutional amendments be repealed. Inexpedient to Legislate. Rep. Joncas for Constitutional Revision.

The committee felt that CACR 1 was inexpedient because the constitution is an extremely important document, actually the most important in the state. The Con Con which would have the sole authority under CACR 1 to propose changes to the constitution could not possibly do justice to the number of proposed amendments put before it. This committee has been established to deal with those questions concerning changes to the constitution, and we see no rational reason in sight of the evidence that has been presented in relation to CACR 1 to convince us differently.

Resolution adopted.

HB 119, authorizing the position of hearing officer in the department of education. Ought to Pass. Rep. Chandler for Education.

Since this bill requires no new position or funding, the Committee unanimously votes Ought to Pass. The intent is simply to render decisions made by the hearing officer temporarily binding until appeals, if required or requested, are heard by the State Board of Education.

Rep. Gemmill yielded to questions. Ordered to third reading.

HB 64, prohibiting persons from seeking or holding office as a member of the general court and county commissioner at the same time. Inexpedient to Legislate. Rep. Arnold Perkins for Municipal and County Government.

The Committee feels that this bill is selective and should be included with other ethics legislation.

Rep. Sara Townsend moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke to her motion.

Reps. Richard Hanson, Mann, Chandler and Coutermarsh spoke against the motion.

Reps. Hildreth, Eugene Daniell, Paul Riley and Leonard Smith spoke in favor of the motion.

Rep. Maynard moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested.  
Sufficiently seconded.

Reps. Barka and Mann abstained from voting under Rule 16.

(Speaker presiding)

YEAS 208 NAYS 144

YEAS 208

BELKNAP: Ambrose, Bowler, Gary Dionne, Michael Hanson, Hildreth, Morin, James Murray, Nighswander and Sanders

CARROLL: Roderick Allen, Claflin, Found, Keller and Towle.

CHESHIRE: Close, Dostilio, Galloway, Anne Gordon, Hogan, Krause, Ladd, Lynch, Matson, Moore, Proctor, Russell, Scranton, Slack, Vrakatitsis, and Terry Wiggin.

COOS: Horton, George Lemire, Oleson, Patenaude, Poulin, Alcide Valliere, Willey and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Dearborn, Gemmill, Hough, McAvoy, Pepitone, Stomberg, Taylor, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ainley, Aubut, Baker, Bednar, Albert Bellemore, Bernier, Bosse, Roland Boucher, Brack, Brody, Carswell, Clancy, Mark Connolly, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, Nancy Gagnon, Girolimon, Cort Hansen, Head, Howard Humphrey, Kaklamanos, Levesque, Martineau, McLaughlin, Miller, Morgan, Fred Murray, Nardi, Normand, Kerry O'Connor, O'Neil, Pappas, Pelletier, Peters, Plomaritis, Quigley, Henry Richardson, Paul Riley, Edward Smith, Leonard Smith, Spirou, Stahl, Stylianos, Van Loan, Wallace, Wallin, Geraldine Watson, James White, M. Arnold Wight and Ziakas.

MERRIMACK: Bibbo, Blakeney, Bodi, Laurent Boucher, Eugene Daniell, Foley, James Humphrey, Polly Johnson, LaBonte, McLane, McNichol, Pelton, Ralph, Rice, Rich, Stefanides, Stockman, Tarr, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Appel, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Cotton, Cummings, Cunningham, Cutliffe, Danforth, Dunfee, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gould, Greene,

Hartford, Hoar, Krasker, Laycock, Lovejoy, Maynard, Donna McEachern, Nelson, Niebling, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Schwaner, Skinner, Splaine, Vlack and Wojnowski.

STRAFFORD: Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Dianne Herchek, James Herchek, Joos, Kelly, Lefavour, Lessard, Maglaras, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Dennis Ramsey, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Spaulding, Sara Townsend and Tucker.

NAYS 144

BELKNAP: Beard, Marshall French, Lawton, Mansfield, Marsh, Kenneth Randall and Sabbow.

CARROLL: Raymond Conley and Kenneth MacDonald.

CHESHIRE: Chase, Daniel Eaton, Faucher, Fillback, Irvin Gordon, Elmer Johnson, Marshala, Parker, Terry and Whipple.

COOS: Burns, Cooney, Fortier, Haynes, Huggins, Hunt, Mabel Richardson, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Duhaime, Myrl Eaton, LaMott, Logan, Neil McIver, Rounds, Snell and Taffe.

HILLSBOROUGH: Ahern, Alter, Barrett, Belanger, Emile Boisvert, Wilfrid Boisvert, Bridges, Burke, Coburn, Joseph Cote, Coutermarsh, Crotty, Cullity, William Desmarais, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Sal Grasso, Heald, Daniel Healy, Thomas Hynes, Karnis, Keefe, Knight, Lachance, LaPlante, Armand Lemire, Lyons, Marcoux, McDonough, McGlynn, Timothy O'Connor, Paradis, Arnold Perkins, Podles, Polak, Seamans, Simard, Sing, Soucy, St. George, Harold Thomson, Emma Wheeler, Robert Wheeler and Cecelia Winn.

MERRIMACK: Ayles, Bellerose, Carroll, John Cate, Milton Cate, Chandler, Gamache, Richard Hanson, Hess, Kidder, Packard, Arthur Perkins, Plourde, Pratt, Doris Riley, Shepard, Gerald Smith, Doris Thomson and Trachy.

ROCKINGHAM: Aller, Collins, Connors, Davis, Robert Day, Erler, Gaskill, Grieco, Kane, Kashulines, Joseph MacDonald, Joseph McEachern, Norton, Parr, Anthony Randall, Scamman, Stimmell, Stratton, Tavitian, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Hebert, Horrigan, Joncas, Kincaid, Maloomian, Preston, Ruel and Sackett.



SULLIVAN: Lewko, Scott and Wiggins, and the motion passed.

Rep. Marcoux notified the clerk that he inadvertently voted nay and meant to vote yea.

Rep. Mann offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to members of the general court serving as county commissioners.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 County Commissioner. Amend RSA 64:1 (supp) as amended by inserting in line 11 after the words "district." the following (A fourth county commissioner may be appointed pursuant to RSA 64:2-a, and shall take office on January 1 next following the biennial election, and shall hold the same for 2 years.) so that said section as amended shall read as follows:

64:1 Election; Term. There shall be chosen at each biennial election by ballot, by the inhabitants of the several towns in each county qualified to vote for state senators, a sheriff, a county attorney, a county treasurer, a register of deeds, a register of probate and, except in Cheshire county, 3 county commissioners, each of whom shall take office on January 1 next succeeding his election, and shall hold the same for 2 years and until his successor is chosen and qualified, provided, however, that in the counties of Carroll, Rockingham, Grafton, Coos, Merrimack and Hillsborough the inhabitants of the several towns in each of the commissioner districts, so qualified, shall choose at each election one commissioner for said district. A fourth county commissioner may be appointed pursuant to RSA 64:2-a, and shall take office on January 1 next following the biennial election, and shall hold the same for 2 years.

2 Eligibility. Amend RSA 64:2 (supp) as amended by inserting in line 6 after the word "chosen." the following (Any county commissioner appointed pursuant to RSA 64:2-a shall be a resident of the county for which he is chosen.) so that said section as amended shall read as follows:

64:2 Eligibility. No person is eligible to the office of sheriff, county attorney, county treasurer, register of deeds, register of probate, or county commissioner unless he is a resident of the county for which he is chosen, and, in the case of the county commissioners of the counties of Carroll, Rockingham, Grafton, Coos, Merrimack, Cheshire, and Hillsborough unless he is a resident also of the district for which he is chosen. Any county commissioner appointed pursuant to RSA 64:2-a shall be a resident of the county for which he is chosen. No person shall hold 2 of said offices at the same time, and the acceptance of one of them shall be a resignation of the others.

3 County Commissioners. Amend RSA 64 by inserting after section 2 the following new section:

64:2-a Members of General Court as County Commissioners. Every board of county commissioners shall have one member who is a representative to the general court, and if a representative to the general court is not elected as a county commissioner, that county convention shall appoint one of its members to the board with full vote, at no extra pay, as a fourth county commissioner.

4 Effective Date. This act shall take effect 60 days after its passage.

The Assistant Clerk read the amendment in full.

Rep. Mann explained his amendment.

Rep. Sara Townsend spoke against the amendment, and yielded to questions. Amendment lost.

Question being on the adoption of the substituted Committee report.

Ordered to third reading

HB 106, relative to the appointment of medical referees by county commissioners. Ought to Pass. Rep. Roy Davis for Municipal and County Government.

This bill brings the RSAs in line with a change in the state constitution. Ordered to third reading.

HB 153, repealing RSA 262:43 pertaining to garage registration of out-of-state automobiles. Ought to Pass. Rep. James Murray for Transportation. This measure is a housekeeping exercise for the Department of Safety. The law requiring the registration of out-of-state cars by garage owners is very old and antiquated. The Committee feels this law should be stricken. Ordered to third reading.

HB 124, exempting certain New Hampshire residents 65 years of age or older from the school tax. Inexpedient to Legislate. Rep. Peters for Ways and Means.

Aid to elderly property tax payers is a great concern to many, including House Ways and Means; but this bill was not well drafted, nor based on ability to pay. A more complex formula, taking into account the wealth of the over 65 taxpayer and the tax rate of the town such as a "circuit breaker," will be studied by this Committee and we surely will not recommend such a bill to the House without a plan to fund the cost to cities and towns. Resolution adopted.

Rep. Eugene Daniell rose on a point of personal privilege.

The Speaker ruled the request for personal privilege out of order at the present time and referred to the 1975 House Journal of January 16, page 45



whereby a similar request had also been denied based on Mason's Manual of Legislative Procedure.

The Speaker advised Rep. Daniell that a request to the House for personal explanation would be in order.

#### PERSONAL EXPLANATION

Rep. Daniell requested personal explanation and it was granted by the House.

Rep. Daniell spoke under personal explanation.

Rep. Bridges requested personal explanation and it was granted by the House.

Rep. Bridges spoke under personal explanation.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by the resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 10 at 1:00 p.m.

Adopted

#### LATE SESSION

Third reading and final passage  
HB 119, authorizing the position of hearing officer in the department of education.

HB 64, prohibiting persons from seeking or holding office as a member of the general court and county commissioner at the same time.

HB 106, relative to the appointment of medical referees by county commissioners.

HB 153, repealing RSA 262:43 pertaining to garage registration of out-of-state automobiles.

#### RECONSIDERATION

Rep. Sara Townsend moved that the House reconsider its action whereby it passed HB 64, prohibiting persons from seeking or holding office as a member of the general court and county commissioner at the same time, and spoke against the motion.

Reconsideration lost.

367 members were recorded as present.

#### RECESS

Rep. Marshall French moved that the House adjourn.

Adopted

# HOUSE JOURNAL 8

*Thursday, 10 Feb 77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain,  
Milton L. Smith, Sr.

Dear Lord, someone has said: "Smart is when you believe only half of what you hear. Brilliant is when you know which half to believe." O God, You are the source of all wisdom. Bless us with wisdom, not man's passing wisdom but Your wisdom that has been from the beginning and shall be until the end of time. "Those who seek shall find. Those who knock, the door shall be opened unto them." Your wisdom, O God, can be ours if we seek and strive earnestly and we may even dare to believe that this House can cause a new light of good government to shine on the lives of people. God, bless us with the wisdom of Your Word that we may know Your Truth and be set free. So help us God. Amen!

Rep. Parolise led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Shea, Record, John Winn, Forsaith Daniels and Dearborn, the day, illness.

Reps. Chapman, Nemzoff-Berman, Palmer, Griffin, Cornelius, Armand Lemire, Faucher, Miller, Howard, Hynes, Robert Watson and Trachy, the day, important business.

## INTRODUCTION OF GUESTS

Miss Glynnis Jones of Millington, N.J., guest of Rep. Shepard; Jesse Sneed of Brookfield, Conn. father and guest of Rep. Vlack; Steve Schubert, former football player for the N.E. Patriots, now with the Chicago Bears, guest of Rep. Spirou and the Speaker.

Gene Damschroder of Ohio, a two-term Legislator, guest of the Speaker and Rep. Spirou, who addressed the House briefly.

## COMMUNICATION

Mr. James A. Chandler  
Clerk, House of Representatives

On February 9, 1977, the following representative-elect appeared before the Governor and Council and was sworn into office:

Hillsborough County District No. 30 -  
Francis B. Sullivan (Manchester - Ward 6).

Sincerely,

William M. Gardner  
Secretary of State

The Speaker introduced Rep. Sullivan.

## COMMITTEE AND SEATING ASSIGNMENT

Rep. Francis Sullivan: Claims,  
Military and Veterans Affairs.

Rep. Francis Sullivan: Seat 4-95

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 297 through 310 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS

First, second reading and referral  
HB 297, limiting the powers and duties of the department of revenue administration to overseeing the collection of state taxes administered by said department. (Bednar of Hillsborough Dist. 14; Wiggins of Sullivan Dist. 8, for Department of Revenue Administration - To Executive Departments and Administration)

HB 298, providing that taxes paid by cities and towns to counties be based on population only. (Joos of Strafford Dist. 1; Wilson of Strafford Dist. 11; Gemmill of Grafton Dist. 10; Taylor of Grafton Dist. 9 - To Municipal and County Government)

HB 299, to provide New Hampshire home for the elderly classified employees a differential pay increase. (Cotton of Rockingham Dist. 20, for Department of Health and Welfare - To State Institutions)

HB 300, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances. (Close of Cheshire Dist. 15; Townsend of Sullivan Dist. 1; Sen. Trowbridge of Dist. 11; Dickinson of Carroll Dist. 2; Orcutt of Hillsborough Dist. 8; Daniell of Merrimack Dist. 13; Sen. Bradley of Dist. 5; Rossley of Rockingham Dist. 23; Brody of Hillsborough Dist. 24; Martin of Hillsborough Dist. 10 - To Health and Welfare)

HB 301, relative to the timber yield taxes. (Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Ways and Means)

HB 302, to provide for interest on tax refunds for all taxes administered by the department of revenue administration and making an appropriation therefor. (Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Ways and Means)

HB 303, relative to the conversion of certain class VI highways to footpaths or trails. (Copenhaver of Grafton Dist. 13; Taylor of Grafton Dist. 9; Head of Hillsborough Dist. 10; Heald of Hillsborough Dist. 5 - To Resources, Recreation and Development)

HB 304, providing for the establishment of loan fund revolving accounts which meet certain federal requirements. (Connolly of Hillsborough Dist. 9; Sen. Smith of Dist. 3; Krause of Cheshire Dist. 8, for Department of Education - To Education)

HB 305, reclassifying certain positions at Laconia state school and training center and making an appropriation therefor. (Crory of Grafton Dist. 13; Townsend of Sullivan Dist. 1; Murray of Hillsborough Dist. 3, for Department of Health and Welfare - To State Institutions)

HB 306, requiring that any person submitting an application and plans for construction approval by the water supply and pollution control commission certify that he has met all local pertinent requirements. (Hoar of Rockingham Dist. 8; Sen. Jacobson of Dist. 7; Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 307, allowing town selectmen to set the beano fee from \$1.00 to \$25.00. (Allen of Carroll Dist. 5; Blanchette of Rockingham Dist. 14 - To Regulated Revenues)

HB 308, relative to the employee discount utilized by electric utilities. (Proctor of Cheshire Dist. 14; Smith of Hillsborough Dist. 14 - To Commerce and Consumer Affairs)

HB 309, removing household labor and domestic labor employees from the exceptions to the minimum hourly rate paid for their services. (Cote of Hillsborough Dist. 28 - To Labor, Human Resources and Rehabilitation)

HB 310, relative to the licensing and regulation of real estate brokers and salesmen; increasing the penalties for violation of RSA 331-A. (Hoar of Rockingham Dist. 8; Keller of Carroll Dist. 5 - To Commerce and Consumer Affairs)

#### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 23, increasing the penalty for reckless operation of a motor vehicle. (Judiciary)

SB 20, providing that only persons less than 16 years of age be required to wear protective headgear while operating or riding on a motorcycle. (Transportation)

SB 49, exempting certain vehicles from the motor vehicle title law. (Transportation)

SB 25, relative to sweepstakes commission funds. (Regulated Revenues)

#### SIX-DAY EXTENSIONS GRANTED

HB 25, eliminating the maximum dollar limit on group life insurance for employees. (Commerce and Consumer Affairs)

HB 3, repealing the provisions relative to establishing additional district courts. (Judiciary)

HB 1, relative to the fee schedule of the registers of deeds in all counties. (Municipal and County Government)

HB 2, relative to a prohibition on advertising by the liquor commission. (Regulated Revenues)

HB 23, requiring the filing of a detailed plan with the town clerk of the proposed project to excavate, fill or dredge. (Resources, Recreation and Development)

HB 8, relative to the authority of the state fire marshal to order autopsies. (Statutory Revision)

HB 17, permitting absentee voting in elections of the union school district in Concord. (Statutory Revision)

HB 22, establishing a recount procedure for votes at special meetings of towns with official Australian or nonpartisan ballots. (Statutory Revision)

HB 24, eliminating prohibitions against political contributions by certain organizations. (Statutory Revision)

HB 29, amending the election laws relative to the qualifications of a candidate filing for certain political offices. (Statutory Revision)

HB 35, permitting classified state employees to make political contributions. (Statutory Revision)

HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles. (Transportation)

#### COMMITTEE REPORTS

CACR 4, relating to the taxing power of the state. Providing that the legislature's power on current use be abolished. Inexpedient to Legislate. Rep. Corser for Constitutional Revision.

Inadequacy of existing statutes was not established and in any event could not justify repealing Article 5-B which is an enabling power. Resolution adopted.

HB 68, relating to administrative functions of the fish and game department in declaring the opening and closing of seasons relative to fur-bearing animals. Majority: Inexpedient to Legislate; Rep. Stimmell for Fish and Game. Minority (Rep. Sabbow): Ought to Pass with Amendment.

Majority: All of the testimony was very much in favor of this bill. The Committee felt this was too much power to give to the Fish and Game Commission. The bobcat is the only endangered animal at the present minute and is covered by another bill. Minority: Due to the continual increased demand for furs which is causing a big decrease in many of our furbearers, seasons must be shortened or lengthened more quickly than once every two years.

Rep. Sabbow moved that the minority report, ought to pass with amendment, be substituted for the majority report, inexpedient to legislate, and spoke to his motion.

(Rep. Marshall French in the Chair)

Reps. Stimmell, Wolfson and Huggins spoke against the motion.

Reps. Wiswell, Theriault, Corser and Blakeney spoke in favor of the motion.

(Speaker in the chair)

Rep. Pratt spoke in favor of the motion.

Rep. George Wiggins spoke against the motion.

Rep. Polak moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested.  
Sufficiently seconded.

(Speaker presiding)  
YEAS 197 NAYS 154  
YEAS 197

BELKNAP: Beard, Bowler, Gary Dionne, Goyette, Michael Hanson, Hildreth, James Murray, Nighswander, Sabbow and Sanders.

CARROLL: Found

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Parker, Proctor, Russell, Scranton, Terry, Vrakatisis, Whipple and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Buckman, Chambers, Clark, Copenhaver, Crory, Gemmill, Logan, Mann, Neil McIver, Rounds, Stomberg, Taffe and Taylor.

HILLSBOROUGH: Barrett, Belanger, Bernier, Roland Boucher, Brody, Carswell, Clancy, Mark Connolly, Corser, Margaret Cote, Cullity, Catherine-Ann Day, L. Penny Dion, Drewniak, Dupont, Gelinas, Girolimon, Cort Hansen, Head, Kaklamanos, Knight, Lafleur, Martin, Morgan, Morrison, Fred Murray, Nardi, Kerry O'Connor, Pappas, Plomaritis, Simard, Edward Smith, Spirou, St. George, Stahl, Kevin Sullivan, Francis Sullivan, Wallin, Emma Wheeler, James White and Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Laurent Boucher, Carroll, Chandle, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Polly Johnson, Kidder LaBonte, McLane, McNichol, Mullin, Packard, Pelton, Pratt, Ralph, Rice, Rich, Doris Riley, Shepard, Doris Thompson, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Barka, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cutcliffe, Danforth, Davis, Dunfee, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Niebling, Parolise, Parr, Quimby, Richards, Rogers, Rossley, Schwaner, Alfreda Smith, Splaine, Vlack, Helen Wilson and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Horrigan,

Kelly, Lessard, Meader, Morrisette, Rod O'Connor, Osgood, Preston, Sackett, Schreiber, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Desnoyer, Ingram, LeBrun, Lucas, Sara Townsend and Tucker.

NAYS 154

BELKNAP: Ambrose, Marshall French, Lawton, Mansfield, Marsh, Morin and Kenneth Randall.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Fillback, Elmer Johnson, Moore and Margaret Ramsay.

COOS: Burns, Fortier, Horton, Huggins, Hunt, Keough, George Lemire and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Duhaime, Myrl Eaton, Hough, LaMott, McAvoy, Pepitone, Snell, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Bridges, Burke, Coburn, Colson, Joseph Cote, Coughlin, Crotty, William Desmarais, Arline Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Sal Grasso, Heald, Howard Humphrey, Karnis, Keefe, Lachance, LaPlante, Levesque, Lyons, Marcoux, Martineau, McDonough, McGlynn, McLaughlin, Normand, Timothy O'Connor, O'Neil, Pelletier, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Sing, Soucy, Stylianos, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Robert Wheeler and Ziakas.

MERRIMACK: Ayles, Bibbo, Bodi, John Cate, James Humphrey, Donna MacIvor, Gerald Smith, Stockman, Tarr and Waters.

ROCKINGHAM: Akerman, Aller, Benton, Bisbee, William Boucher, Cummings, Cunningham, Robert Day, Erler, Felch, King, Maynard, Joseph McEachern, Nelson, Norton, Pucci, Anthony Randall, Sanborn, Scamman, Skinner, Stimmell, Tavitian, Webster, Wolfsen and Zabarsky.

STRAFFORD: Canney, Walter Desmarais, Hebert, Joncas, Joos, Kincaid, Lefavour, Maloomian, Nadeau, Dennis Ramsey, Ruel, Donald Smith and Tripp.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Gray, Lewko, Scott, Spaulding and George Wiggins, and the Sabbow motion to substitute the minority report of ought to pass with amendment for the majority report of inexpedient to legislate was adopted.



Question now being on the adoption of the minority amendment.

#### Amendment

Amend the bill by striking out sections 1 through 3 and inserting in place thereof the following:

1. Definitions. Amend RSA 207:1 as amended by inserting in line 40 within the definition of "Fur-Bearing Animals" after the word "raccoon" the following (bobcat, fox, weasel) so that said definition as amended shall read as follows:

Fur-Bearing Animals: Beaver, otter, marten, sable, mink, fisher or fisher cat, raccoon, bobcat, fox, weasel, skunk, and muskrat.

2. Fur-Bearing Animals. Amend RSA 210 by inserting after section 22 the following new sections:

210:23 Authority of Fish and Game Director. Notwithstanding any other season established for fur-bearing animals in this chapter, the director of the fish and game department with the approval of the commission may declare an open season or closed season on any fur-bearing animals in any town and county in the state. He may make such other rules and regulations as he deems necessary as to lengthening or shortening the seasons and bag limits.

210:24 Notice of Open or Closed Season. Before the season on any fur-bearing animal is opened or closed, the director of the fish and game department shall cause notice thereof to be published once in a newspaper published in the county affected by his declaration, if there is one, otherwise in some newspaper having a general circulation in said county, and he shall also file a copy of said notice with the clerk of each town or city affected.

3 Director, Fish and Game Commission; Powers and Duties. Amend RSA 206:10 by striking out said section and inserting in place thereof the following:

206:10 Powers and Duties.

I. It shall be the duty of the director to protect, propagate and preserve the fish, game, bird and wildlife resources of the state and to protect and conserve the non-game birds of the state. He shall, subject to the limitations hereinafter set forth, have the power and authority to make and enforce rules and regulations to make adequate and effective the control, management, restoration, conservation and regulation of the fish, game, bird and wild life resources of the state. Such power and authority shall include the right to open and close the season for taking fish, the right to fix the size, number and weight limits for fish, and other conditions governing the method and manner of taking the same.

II. Such power and authority shall include the right to open and close the season for taking fish, the right to fix the size, number and weight limits for fish, and other conditions governing the method and manner of taking the same. Such power and authority may be exercised

with reference to the state as a whole, or for any specified county or part thereof, or for any lake, pond, stream or part thereof. Such power and authority shall not extend to the regulation of the seasons for the taking of game, birds or other wild life or the bag limit of the same, except as provided in RSA 210:23. All rules promulgated by the director shall be promulgated in accord with RSA 541-A. The authority of the director as specified in this paragraph shall be reviewed by the fish and game commission during the fiscal year 1979 and such authority shall continue only until December 31, 1979.

On a voice vote, the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 222 NAYS 131  
YEAS 222

BELKNAP: Beard, Bowler, Gary Dionne, Goyette, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Dickinson and Found.

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Russell, Scranton, Terry, Vrakatisis, Whipple and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Keough, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Buckman, Chambers, Clark, Copenhaver, Crory, Gemmill, Hough, Logan, Mann, Neil McIver, Rounds, Snell, Stomberg, Taffe and Taylor.

HILLSBOROUGH: Ahern, Barrett, Belanger, Bernier, Emile Boisvert, Roland Boucher, Brody, Carswell, Clancy, Colson, Mark Connolly, Corser, Margaret Cote, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Nancy Gagnon, Gelinas, Girolimon, Granger, Cort Hansen, Head, Kaklamanos, Knight, LaFleur, Martin, McLaughlin, Morgan, Morrison, Fred Murray, Nardi, Normand, Kerry O'Connor, O'Neil, Pappas, Plomaritis, Henry Richardson, Seamans, Simard, Edward Smith, Spirou, St. George, Stahl, Stylianos, Kevin Sullivan, Wallin, Emma Wheeler, James White, Arnold Wight and Ziakas.

MERRIMACK: Bellerose, Blakeney, Laurent Boucher, Carroll, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, McLane, McNichol, Mullin, Packard, Pelton, Pratt, Ralph, Rice, Rich, Doris Riley, Shepard, Doris Thompson, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Barka, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cutliffe, Danforth, Davis, Dunfey, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Niebling, Parolise, Parr, Quimby, Richards, Rogers, Rossley, Schwaner, Alfreda Smith, Splaine, Vlack, Helen Wilson and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Horrigan, Kelly, Lessard, Maglaras, Meader, Morrisette, Rod O'Connor, Osgood, Preston, Ruel, Sackett, Schreiber, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Desnoyer, Ingram, LeBrun, Lucas, Sara Townsend and Tucker.

#### NAYS 131

BELKNAP: Ambrose, Marshall French, Lawton and Marsh.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Fillback, Elmer Johnson and Margaret Ramsay.

COOS: Burns, Fortier, Horton, Huggins, Hunt, George Lemire and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Duhaime, Myrl Eaton, LaMott, McAvoy, Pepitone, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ainley, Aubut, Bednar, Albert Bellemore, Wilfrid Boisvert, Bosse, Brack, Bridges, Burke, Coburn, Joseph Cote, Coughlin, Crotty, William Desmarais, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Sal Grasso, Heald, Howard Humphrey, Karnis, Keefe, Lachance, Levesque, Lyons, Marcoux, Martineau, McDonough, McGlynn, Timothy O'Connor, Pelletier, Arnold Perkins, Peters, Podles, Polak, Paul Riley, Sing, Soucy, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson and Robert Wheeler.

MERRIMACK: Ayles, Bibbo, Bodi, John Cate, Donna MacIvor, Gerald Smith, Stockman, Tarr and Waters.

ROCKINGHAM: Akerman, Aller, Benton, Bisbee, William Boucher, Cummings, Cunningham, Robert Day, Erler, Felch, King, Maynard, Joseph McEachern, Nelson, Norton, Anthony Randall, Sanborn, Scamman, Skinner, Stimmell, Stratton, Tavitian, Webster, Wolfsen and Zabarsky.

STRAFFORD: Canney, Walter Desmarais, Hebert, Joncas, Joos, Kincaid, Lefavour, Maloomian, Nadeau, Dennis Ramsey and Donald Smith.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Gray, Lewko, Scott, Spaulding and George Wiggins, and the amendment was adopted.

Ordered to third reading.

HB 95, updating the cancer commission enabling act. Ought to Pass. Rep Copenhagen for Health and Welfare.

RSA 139:6 doesn't conform with today's needs. This bill amends RSA 139:6 generalizing the duties of the commission and its executive secretary and makes other technical changes (the elimination of references to clinics which no longer exist).

Presently RSA 139:6 restricts the commission from exceeding that sum of money provided by the cities, towns, or counties for care of a cancer patient. If the town has no funds for the cancer patient expenses, the commission cannot provide funds, except in certain cases. The bill repeals RSA 139:6.

Ordered to third reading.

HB 142, limiting smoking in places of public assembly to designated areas. Ought to Pass. Rep. Helen Wilson for Health and Welfare.

This bill proposes to limit smoking in places of public assembly to designated areas while public meetings are in progress. Persons having control over public places are responsible to display "No Smoking" signs and smokers are to observe these signs. Violators are guilty of a violation.

Rep. Wilfrid Boisvert spoke against the committee report.

Rep. Lyons moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 287 NAYS 63

YEAS 287

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Mansfield, Marsh, Morin, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Found, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Marshala, Matson, Moore, Proctor, Scranton, Slack, Terry, Vrakatisis, Whipple and Terry Wiggins.

COOS: Fortier, Bradley Haynes, Horton, Huggins, Hunt, Patenaude, Poulin, Mabel Richardson, Theriault, Wiswell and Neila Woodward.

NAYS 63

BELKNAP: Lawton, James Murray and Sabbow.

CARROLL: Dickinson.

CHESHIRE: Anne Gordon, Lynch, Parker, Margaret Ramsay and Russell.

COOS: Burns, Cooney, George Lemire, Alcide Valliere and York.

GRAFTON: Ira Allen, George Cate, Chambers, Copenhaver, Crory, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

GRAFTON: Aldrich, Buckman, Clark, Pepitone and Glyneta Thomson.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Albert Bellemore, Bernier, Emile Boisvert, Bosse, Roland Boucher, Brack, Bridges, Brody, Carswell, Clancy, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coutermarsh, Crotty, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Dupont, Joseph Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Heald, Howard, Humphrey, Kaklamanos, Karnis, Keefe, Knight, Lachance, LaFleur, LaPlante, Levesque, Lyons, Marcoux, Martineau, McGlynn, Morgan, Morrison, Fred Murray, Normand, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Simard, Sing, Edward Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallin, Emma Wheeler, Robert Wheeler, James White, M. Arnold Wight and Ziakas.

HILLSBOROUGH: Baker, Barrett, Belanger, Wilfrid Boisvert, Burke, Coughlin, Cullity, Currier, Drewniak, Gabrielle Gagnon, Martin, McDonough, McLaughlin, Nardi, Timothy O'Connor, Arnold Perkins, Peters, Seamans, Kevin Sullivan and Wallace.

MERRIMACK: Ayles, Bibbo, Carroll, Gamache, McNichol, Mullin, Pratt, Gerald Smith, Tarr and Doris Thompson.

ROCKINGHAM: William Boucher, Cutcliffe, Danforth, Robert Day, Flanagan, Joseph McEachern, Norton, Parolise, Anthony Randall, Stratton, Vlack and Wolfsen.

STRAFFORD: Dianne Herchek.

MERRIMACK: Bellerose, Blakeney, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Packard, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Shepard, Stefanides, Stockman, Ernest Valliere, Waters and Wiviott.

SULLIVAN: Brodeur, and HB 142 was ordered to third reading.

Reps. Tucker, Head and Willey wished to be recorded in favor of HB 142

HB 56, relative to secret ballots at town meetings. Inexpedient to Legislate. Rep. Richard Hanson for Municipal and County Government.

This requirement would hamper the town meetings even more by depriving them of setting their own procedures.

Rep. Dickinson moved that HB 56 be recommitted to the Committee on Municipal and County Government, and yielded to Rep. Richard Hanson.

Rep. Marshall French spoke in favor of the motion.

HB 56 was recommitted to Municipal and County Government.

ROCKINGHAM: Aeschliman, Akerman, Appel, Barka, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Davis, Dunfee, Erler, Felch, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Spaine, Stimmell, Tavitian, Webster, Helen Wilson, Wojnowski and Zabarsky.

HB 65, relative to the procedure for discharge from employment of the superintendent of the county farm. Ought to Pass with Amendment. Rep. Mann for Municipal and County Government.

This bill puts county superintendent on same basis as the rest of the county employees.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the discharge of county employees.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, James Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Burrows, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding and Sara Townsend.



Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Procedure for Removal. Amend RSA 28:10-a as inserted by 1959, 295:1 as amended by striking out said section and inserting in place thereof the following:

28:10-a Discharge from Employment.

Any employee of a county who has served at least one year shall not be discharged or removed from employment except for dishonesty, intoxication, immoral behavior or other misconduct, neglect of duty or negligence, wilful insubordination or lack of cooperation, inefficiency, incapacity or unfitness to perform his duties. Prior to the discharge or removal of any such employee a statement of the grounds and reasons therefor shall be prepared by the county commissioners and signed by a majority of the board and notice thereof shall be given to said employee not less than 10 days nor more than 30 days prior to the effective date of such discharge or removal. Within 30 days of receipt of such notice the employee may request in writing a public hearing thereon before the county personnel committee, consisting of the chairman, vice-chairman and clerk of the county convention. If upon such hearing said committee shall find good cause for discharge or removal of said employee they shall approve his discharge or removal as ordered by the county commissioners. Said personnel committee may establish reasonable rules for procedure and the admission of evidence, and shall keep a record of all proceedings hereunder. Any action or decision made hereunder shall be subject to rehearing and appeal as provided in RSA 541. The county personnel committee when acting under the provisions of this section shall be deemed a commission within the meaning of RSA 541:1. The salary of said employee shall terminate on the effective date of his discharge, provided however, if the employee has been discharged without good cause, he shall be reinstated to his former position without loss of pay for the period of suspension and shall be reimbursed for his legal costs and reasonable attorneys' fees as determined by the personnel committee, or in the event of appeal from it ruling, by the supreme court. This section shall not apply to county employees laid off by reason of abolition of a position, change in organization, lack of work or insufficient funds, nor to employees of county jails not located at the county farm.

Rep. Richard Hanson moved that the words, ought to pass, be substituted for the committee report, ought to pass with amendment and spoke to his motion.

Motion adopted.

Ordered to third reading.

HB 116, relative to the taxation procedure in village districts. Ought to Pass. Rep. LaBonte for Municipal and County Government.

Requires every precinct to submit budget to Department of Revenue Administration for tax rate setting. Ordered to third reading.

HB 117, relative to a town's authority to appropriate for school purposes. Ought to Pass. Rep. Pepitone for Municipal and County Government.

This bill clarifies who has power to vote money for school purposes.

Rep. Richard Hanson explained the bill. Ordered to third reading.

HB 62, requiring full state maintenance for state route 28 in the town of Salem. Inexpedient to Legislate. Rep. Coburn for Public Works.

Passage of this bill would establish precedent as many other towns and cities have similar conditions. Resolution adopted.

HB 85, relative to the construction of the Spaulding turnpike extension and making an appropriation therefor. Ought to Pass. Rep. Ruel for Public Works.

Increase in appropriation requested to cover inflation and cover redesign of interchange as revised by public hearing on July 28, 1975. To Appropriations.

Rep. Ruel spoke in favor of HB 85. Referred to Appropriations.

HB 86, relative to outdoor advertising control along state highways. Ought to Pass. Rep. McLaughlin for Public Works.

Extends date of RSA 249-A:2, XVI, and 249-A:20 from January 30, 1978 to January 30, 1980. Ordered to third reading.

HB 162, relative to the operation of certain vehicles with an open body or bed. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee felt that the idea of this bill was inappropriate. There have been very few incidents of the injury of a minor riding in the load carrying portion of a truck. This bill would be too restrictive and ineffective. The Committee unanimously felt that this was the responsibility of the parents not the state. Resolution adopted.

HB 131, providing a different method of collecting penalties due the state for late certification filing of certain tax information. Ought to Pass. Rep. McLane for Ways and Means.

Bill filed at request of Department of Revenue Administration to make the department, not the State Treasurer, responsible for certification of the tax rate and notifying of fines to delinquent towns.

Ordered to third reading.



Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday next at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 68, relating to administrative functions of the fish and game department in declaring the opening and closing of seasons relative to fur bearing animals.

HB 95, updating the cancer commission enabling act.

HB 142, limiting smoking in places of public assembly to designated areas.

HB 65, relative to the procedure for discharge from employment of the superintendent of the county farm

HB 116, relative to the taxation procedure in village districts.

HB 117, relative to a town's authority to appropriate for school purposes.

HB 86, relative to outdoor advertising control along state highways.

HB 131, providing a different method of collecting penalties due the state for late certification filing of certain tax information.

Rep. Marshall French offered an amendment to the House Rules and spoke to his amendment.

#### Amendment to House Rules

Amend Rule 46 by striking out the entire rule and inserting the following:

46. No request by a member of the House for drafting a bill or resolution, other than the general budget or capital budget bill, shall be accepted by the Legislative Drafting Service for processing unless the subject matter of the legislation, with complete information as to details, has been filed with said Service no later than Thursday, February 3, at 5:00 p.m. Any bill or resolution providing for new state revenue, for a change in any existing state revenue statute, or containing an appropriation, other than the general budget or capital budget bill, may not be introduced into the House later than March first.

These deadlines shall not apply to Bills of Intent which may be accepted by Legislative Services until March 1 and introduced into the House at any time prior to any deadline established by Joint Rules for the transfer of bills out of the first body.

Adopted by the necessary two-thirds.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Rod O'Connor and Hildreth offered the following:

HOUSE RESOLUTION NO. 10  
relative to the payment of salary to the members of the House of Representatives.

RESOLVED by the House of Representatives:

That the salary of the members of the House of Representatives be so divided that any member may receive 1/4 of his salary monthly for the first three months, the balance to be paid at the adjournment of the session.

The Clerk read the resolution in full.  
Referred to Legislative Administration.

The Speaker defined the term "Legislative Day" as covering both actual session days and committee days and further stated that on that basis today was the sixteenth legislative day.

Thursday, February 17, will be a Consent Calendar day.

362 members recorded present.

#### ABSENT

Members not answering the attendance call, not granted leave of absence or not excused:

Reps. Lucas, Currier, O'Keefe, Leonard Smith, Ellis, Madigan, Welch, Margaret Cote, Coutermarsh, Shapiro, Quigley, Arnold, Danforth, DeCesare and Alter.

Reps. Marshall French and Spirou moved that the House adjourn.

Adopted.

The House adjourned at 2:55 p.m.

# HOUSE JOURNAL 9

*Tuesday, 15 Feb 77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Hear our prayers Lord. We are grateful that You are the God of the ordinary as well as the spectacular, for the ordinary far out weigh the spectacular, especially when it comes folks. Yes, the most of us fit into the ordinary, common folk class. Yet, our task is of the spectacular, out of the ordinary, the uncommon, for so few are called to serve so many. Remind us, remind us that we are not here as the privileged few to serve a privileged few, but rather to do the right thing, with a mind to serve all the people with our very best. Guide us, dear God, in the way, Your way, the best way. Thank You God for this opportunity to shape this ordinary day into a great witness to a government "of the people, by the people, and for the people", with responsible leadership. In the name of the One who is the "Way and the Truth and the Life". Amen!

Rep. Seamans led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Shea, Forsaith Daniels, Walter Desmarais, Frizzell and Myrl Eaton, the day, illness.

Reps. Orcutt, Griffin, Stomberg, Chapman, and O'Keefe, the day, important business.

Reps. St. George, Hartford and Lovejoy, the day, inclement weather.

Rep. O'Keefe, the day, car trouble.

Reps. French and Spirou moved that the House meet in Joint Convention with the Honorable Senate for the purpose of hearing the Governor's Budget Address.

Adopted.

## INTRODUCTION OF GUESTS

Everett Martin of Kingston, student and guest of Rep. Spaine; Patrick Dionne of Nashua, guest of Rep. Lachance.

## SENATE MESSAGE

### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 11, relative to a short form mortgage deed of trust. (Judiciary)

SB 6, providing for a power of attorney which survives disability or incompetence of the principal. (Judiciary)

### SIX-DAY EXTENSIONS GRANTED

HB 45, relative to the sale of nonalcoholic and malt beverages in returnable containers.

HB 63, relative to the taking of wild deer with a shotgun and muzzle loading rifle in certain towns and cities.

HB 73, relative to mental health services for minors.

HB 43, relative to the service tax exemptions for real estate taxes.

HB 57, relative to security deposits of tenants of residential premises.

HB 27, establishing the Meredith district court.

HB 52, relative to a person's property rights after his conviction for cruelty to animals.

HB 19, to reduce the mandatory period for impoundment of dogs and other animals and to increase pound fees.

HB 39, permitting towns to appropriate money for day care centers.

HB 46, establishing a special committee to study alternate forms of county government and making an appropriation therefor.

HB 53, making local zoning ordinances and restrictions applicable to the state and its political subdivisions.

HB 55, providing that the preparation and publication of a list of certain real estate tax assessments shall be determined by the legislative body of any town.

HB 70, requiring the state to assume Lancaster's ownership interest in a covered bridge between Lancaster, New Hampshire and Lunenburg, Vermont.

HB 76, making an appropriation for library development grants.

HB 49, relative to the procedures for the filling of vacancies in certain elected offices.

HB 51, relative to stamping ballots in elections.

HB 58, relative to the form of ballots for election of delegates to the national convention.

HB 67, requiring that candidates for a given office be listed on the ballot in random order, rather than alphabetical order.

## JOINT CONVENTION

### BUDGET MESSAGE - 1978 - 1979

#### PRESENTED BY

GOVERNOR MELDRIM THOMSON, JR.

New Hampshire's fiscal cupboard is not bare. It is true that our 1974 cookie jar surplus of \$26 million that once rested in the cupboard is depleted.

The 1978-79 proposed biennium budget which I submit to you today pursuant to RSA 9:2 is not a bare bones budget. It is a low growth budget.

This has been the most difficult state budget we have had to prepare for two basic reasons: First, the surplus funds available to us at the time we prepared our two former budgets have vanished; and second, our fixed statutory charges such as interest on the debt have increased substantially.

The gap we had to close between revenues and expenditures in order to create a balanced budget was \$26.0 million.

The biennium budget I present today would have available for legislative specials and surplus \$4.6 million.

The gross increase of the proposed biennium budget over our current one is that this gross budget will go from \$868.6 million to \$955.7 million. This is the lowest increase in the past eight years.

It is just half the percentage of the increase of our current budget over the prior one.

As most of you know our gross budget consists of three primary categories: Federal funds, general revenues raised by state taxes, and restricted funds such as highway and fish and game monies. It also includes a category which we call "other," including items such as transfers for data processing services and transfers of highway funds for Department of Safety operations.

The increase in the general funds revenue for 1978-79 budget would rise from \$320.4 million to \$354.9 million. That is a dollar increase of \$34.5 million of which \$10.4 million is due to accounting changes which leaves us with a net increase of \$24.1 million and a percentage increase for the biennium of 7.5.

Last fall I instructed agency heads that in preparing their budgets for 1978-79 they should hold their total increase to 6 per cent a year. Many failed to do this and we returned their budgets with a request that they be trimmed to our 6 per cent guideline or we would have to do the trimming for them.

At the time we felt our anticipated revenues would allow for a 6 per cent increase per year for expenditures. Actually, we have built the proposed 1978-79 budget with an increase in the general funds of only 6.5 per cent for the biennium.

Despite dire maledictions to the contrary we have not had to eliminate a single agency or commission.

We have cut back on some of the smaller agency fundings where we felt we could do so without jeopardizing the quality of the services they render.

For many agencies there is no proposed growth. For many others additional funds were allocated.

This budget definitely permits us to continue our basic and essential services to the people without resorting to general sales or income taxes.

I would remind all that as unpalatable as the proposed budget for 1978-79 may seem, I did not rhetorically fight taxes on the campaign trail. I meant every word that I said then.

I mean to keep my tax promise to the people, even if it should require a strong fight against and a veto of a broad base tax!

In this budget we do propose some increases in the rates of taxes and some methods of cost savings. We anticipate that these changes will produce an extra \$30.7 million in revenue and savings, thus enabling us to present a slow growth, balanced budget.

#### Historic Perspective

##### 1. Growth in funding and revenues.

At this point I believe that we could all profit by reviewing briefly the growth of state revenues and expenditures during the past eight years.

To help you understand this eight year growth I shall include at the end of this message a table showing the growth in our expenditures and the increase in revenues, as well as the fluctuations in surpluses.

Our gross appropriations from all sources of income in 1970-71 amounted to \$445.9 million. It has grown in 1978-79 to \$955.7 million for a percentage increase of 114.3.

During the same time frame appropriations from the general fund which is raised by state taxes rose from \$172 million to \$362 million, or by 110.5 per cent.

Actual and projected increases in state revenues rose from \$165.7 million in 1970-71 to \$344.5 million for 1978-79, for a percentage increase of 107.9.

Thus you can see that in eight years the cost of state government has risen more than one hundred per cent.

Population during this same period has increased by only 10.2 per cent, despite the fact that New Hampshire is the second fastest growing state east of the Mississippi.

These facts emphasize that we have greatly increased the cost of state services for our citizens on a per capita basis during the past eight years.

As you now take up in earnest your work on the operating budget, you may wish to bear in mind, as I have had to do, that we can not go on indefinitely increasing the per capita cost of government without eventually endangering our solvency.

This seems to me an appropriate time to ask what public services we can do without and those with which we can make do. It is, I believe, a time for reexamination and retrenchment in the use of public funds.

##### 2. Predictions of Disaster.

With the slow growth budget that we now present, I know that we will soon hear the lamentations of impending disaster that have marked the course of budgetary preparations for more than two decades.

In his Inaugural Address of January 6, 1949 Governor Sherman Adams stressed the need for a "broad base tax to transfer the present dependency upon sin to the more secure foundation of virtue."

Governor Adams also said:

"Our precarious fiscal foundation in New Hampshire is well known. In late

years, our government services have expanded on the uncertain basis of revenue derived, to a large extent, from profits on the sale of alcoholic beverages, taxation upon pari-mutuel wagers, and the tax upon sale of tobacco."

He then emphasized almost thirty years ago that -

"The day of expansion of these revenues are over, temporarily at least, and a moderate decline can be expected. I do not recommend extending the sources of this kind of revenue."

Following this message, Governor Adams proposed a gross income tax which was held to be invalid by the Supreme Court. Later he suggested a combination sales and income tax which was changed by the Ways and Means Committee to a sales tax.

This sales tax was defeated by a 208 to 147 vote on June 15, 1949.

One week later the Governor proposed a one per cent income tax which was also defeated. The budget was finally balanced by making economy cuts and increasing the estimate for revenue by \$2 million.

The Concord Monitor, which has not changed its tax position in 28 years, learnedly opined that the Legislature had voted "not an economical -- but a cheap government."

However, the next year, Governor Adams was to give the lie to the forecasters of state's fiscal disaster by saying to the Legislature:

"Your decision to have done with preaching economy, and instead to practice it, has served as an example in many states where legislators have had less courage."

The governor who a year earlier had fought vigorously for broad base taxes, then reported:

"We have lived within the appropriations. We have actually done better than that. Present indications are that state departments will have unused balances approaching \$100,000 at the end of this fiscal year."

However, the governor was not through with tax proposals.

In 1951 he again suggested a sales tax - this time a one cent tax. He went before the legislature to defend his tax proposal.

He spoke of the 31 states that had adopted sales taxes which he said they had found equitable, easy to administer, and dependable.

"Do you think," he asked, "that this handful of paid opponents who have been lecturing you in the corridors and in the cloakrooms, for many times the pay you are earning - do you think they are right and the people in 31 states of this nation are wrong?"

Apparently the members of the 1951 Legislature thought that the people of 31 sales tax states were wrong because they defeated the tax bill by an overwhelming vote of 240 to 115.

Governor Hugh Gregg took a strong stand against broad base taxes in 1953. He told the Legislature that he would oppose any proposal calling for the enactment of a sales or income tax.

In 1955 Governor Lane Dwinell told the Legislature that he would not recommend either a sales or income tax. In his second term broad base taxes were not an issue.

What he said in his first Inaugural Address is, in my opinion, sound government philosophy today and even more important in these debt-ridden days.

"The only way to retard the mounting costs of government is to refuse additional revenue. We should take such action in this session as will insure a levelling off of expenditures in future years. A little stinginess can be a good thing."

In 1959 Governor Wesley Powell said in his Inaugural that "New broad base taxes are not necessary."

Broad base taxes were not a viable issue in either of Governor Powell's two terms. He set the tone for economy in government by a statement in his first Inaugural.

"From our position of solvency, we can look out at sister states floundering on the reefs of poor fiscal planning, deficit financing, and primitive taxes."

Governor John King during his three terms as governor, beginning in 1963 also opposed the enactment of a sales or income tax.

However, in search of new revenues he did increase the tobacco tax levy and proposed the room and meals tax, which became law.

In the special session of 1970 Governor Walter Peterson successfully proposed the enactment of a Business Profits tax which included repeal of the stock-in-trade tax. He also recommended the Commuter Income tax, later declared unconstitutional by the U.S. Supreme Court.

During his second term Governor Peterson urged passage of an interim payroll tax and vainly fought for both sales and income tax.

In 1971 he said the alternative to his 3 per cent income tax was grim. "There can be no real attack on environmental pollution, there will be no community health centers, there will be no vocational educational programs worthy of the name."

The last battle for a broad base tax was lost March 2, 1972 when the Trowbridge-Menge combination income-sales tax was defeated by a vote of 217 to 154.

Without the aid of a broad base tax we have continued the attack on environmental pollution, supported 15 community health centers, and are well along the road to success with our regional vocational educational programs.

When Governor Adams prorogued the legislature following the defeat of his last attempt to gain a broad base tax he told the legislators, "The budget has been balanced by expediency in a manner that none but special interests can have any enthusiasm for."

"It is my prediction that two years from now this will again be our most difficult problem, and it will so remain until a more adequate answer is found."

It is well that in more than a quarter of a century that answer of a general sales or income tax has never been found.

The very favorable tax climate that has resulted in the wake of periodic dire predictions of fiscal disaster if New Hampshire did not join the miserable train of all of the states that now have either a sales or income tax, or both, has brought us an economic prosperity that is the envy of all states.

As we embark on the joint task of building a 1978-79 budget for our state, let us keep before us these historic lessons.

I believe that today the majority of our taxpayers want a larger share of the dollar they earn for themselves - not a



smaller portion because government is digging deeper into their pockets.

I believe too that the strongest pressures to which our citizens now pay heed are not the multitudinous special interest groups but rather their own self interests. We serve them best if we use these times to insure a levelling off of government expenditures.

#### The Impact of Federal Funds

The impact of federal dollars on our budget is rapidly eroding the remnants of state sovereignty.

Dollars from Washington constitute the fastest growing part of our total budget.

In the 1978-79 budget federal dollars outstrip the increase of state dollars. Federal dollars will rise by \$32.1 million for an increase of 14 per cent.

The federal dollars we appropriated eight years ago amounted to \$114 million. In the proposed budget the total of federal dollars would be \$262.4 million, or 27.5 per cent of a total of \$955.7 million.

In 1949 when Governor Adams was preparing the state budget with difficulties which we have noted, the total federal dollars available to the state amounted to \$14.8 million, or 19 per cent of a total state budget of \$79.7 million.

Many persons look upon federal dollars as a special gift from Washington. In doing so they overlook several important factors.

First, federal dollars come from the same taxpayers who contribute the state and local dollars.

Second, they are invariably released back to the states by Congress with restrictions and guidelines calculated to change the social mores of the taxpayers who made the original contributions.

Third, many of the federal dollars are used as seed money to begin programs which must eventually be carried on by the state and local governments that receive the initial contribution.

A good example of seeding the taxpayers with programs he probably would never have bought in the first place if he had had to pay directly out of his pocket, are LEAA funds from the Crime Commission.

It is doubtful, for example, if you would have allocated state monies three years ago for law clerks for the judiciary, as desirable as such an expenditure might be. Now, in our proposed budget, since LEAA will no longer fund those law clerk positions which it has done for the past three years, the state must pick up the tab.

This devious Congressional scheme to force taxpayers to assume the cost of a growing number of questionable social projects is beginning to wreak havoc with sound budgetary procedures in the states. Unfortunately, short of major surgery, the malignancies will continue to grow.

I suspect that I am one of the few, if not the only governor, who agrees with legislative leaders across the nation that no federal dollars should be allowed to

come into the state unless first appropriated, specifically or in general terms, by the legislature.

The early destruction of state sovereignty will be insured unless we confront and defeat the Congress on this issue.

You have my firm commitment to help in bringing this vital issue to an early, and successful federal court decision.

#### Important Items of the Budget

It would be impossible to catalogue all of the changes in the proposed budget. However, I would like to call your attention to some of the more important items and how we have treated them.

The total budget requests of agencies, had we adhered to them, would have given us a gross budget of \$1.168 billion. This we reduced to \$955.7 million.

Again, had we granted all requests affecting the general fund we would have had to raise \$479 million. Instead, I am recommending to you that the general fund items total \$362.4 million.

Every new employee that we add to the state payroll costs about \$10,000 per year. I suggest that we should hold the list of new employees to the barest minimum.

Agencies asked for a total of 1,236 new positions -- 969 permanent positions and 267 temporary.

The proposed budget allows a total of 242 permanent and temporary positions -- 86 are new and the balance are already aboard as temporary.

Among the new positions are 17 for State Police, 20 for the Veterans' Home, 11 for the new Safety Building, and 7 for the Claremont Voc-Tech College.

Modest increases were made in the budgets affecting the administration of justice and public protection.

For example, the Supreme Court budget shows an increase of 8.9 and 7.2 per cent for fiscal year 1978 and 1979 respectively.

For the Superior Courts the increases were 7.4 per cent in fiscal 1978 and 5.5 per cent in fiscal 1979. This includes one new Associate Justice for 1978 instead of the three requested.

The budget for the Probate Courts shows a slight increase as does that for the Attorney General's office.

The budgets for the Judicial Council and for Probation are down slightly. We have added 6 domestic relations officers in order to increase collections for AFDC and other welfare programs.

The budget for Public Utilities Commission is down substantially due to receipt of federal funding of the Railroad Division. We strongly recommend three new positions for the Commission to assist in the work of rate making.

The budget for Youth Development is up only 1 per cent each year. However, we do plan to implement a nutrition program with federal funding through the Department of Education. Since there will be no Crime Commission funds for the successful Friendship House program in 1979 we suggest that this be supported by general funds.

The Greyhound Racing budget shows a decrease of 11 per cent a year due to elimination of equipment replacement and to anticipated fewer racing days.

The cumulative budget for various boards is up 18 and 14 per cent for fiscal years 1978 and 1979 respectively. This is due primarily to support for two new Boards -- the Public Employees Labor Relations Board and the Electricians Board.

For the Adjutant General the budget increase is 4 per cent a year. The troublesome footnote limiting the match of state funds for Pease Air Base has been eliminated.

The budget for Labor is up 15 and 14 per cent for fiscal years 1978 and 1979 respectively. This is due primarily to the need to purchase more computer time from CDP and for funding of one temporary employee for Workmen's Compensation.

The Bank Commission is funded by assessments on the banks it serves. No general funds are involved.

I shall be submitting legislation to fund the Insurance Department by assessments on the companies it serves as is now done with the Banking Commission.

The Department of Safety general fund budget will show a decrease of 36 per cent for each fiscal year due to suggested changes in the method of funding. We recommend that the Communications Division, the Detective Bureau and the Traffic Bureau all be funded 95 per cent highway and 5 per cent general.

We have increased the support of the Driver Education Program for schools by \$25,000 in anticipation of increased sale of initial plates due to the six digit program.

We also suggest an extra ski lift inspector.

The budget for the State Prison is up 14 and 11 per cent for fiscal years 1978 and 1979 respectively. Here we suggest eight new positions for the Halfway House which will lose its present federal funding by the Crime Commission. Two new positions are also included for that auto shop program.

The budget for Administration and Control is up 25 and 27 per cent for fiscal years 1978 and 1979 respectively. Their substantial increases are for purchasing more computer time, the addition of maintenance personnel for the new Safety Building, and internal restructuring to achieve greater efficiency.

The budget for the Treasury Department is up 37 and 45 per cent for fiscal 1978 and 1979 respectively. These increases are due to retirement costs and the inclusion of debt service as a part of the department's budget.

Normal contributions to the retirement system are expected to be up 140 per cent in fiscal 1978 and up 164 per cent in 1979. For debt service which was not previously budgeted in the Treasury we have allowed \$8,103,600 for fiscal 1978 and \$9,786,450 for fiscal 1979.

The Department of Education is up 7.1 and 8.5 per cent for fiscal 1978 and 1979 respectively.

Generally, we have followed the agency's request for educational funding. The following will give you an idea.

Building aid is fully funded.

Foundation Aid is increased \$758 thousand.

Foster children tuition is increased \$43 thousand.

Tuition assistance to handicapped is increased \$126 thousand.

For the University System we have maintained the budget at the current level except for a slight increase for debt service.

The budget for Laconia State School is up only slightly. For the first time the school will be participating in the school nutrition program which will allow for a recovery of about \$140,000 in the biennium. Also, plans for alterations to Dwinell, Powell and Dube buildings and additional staffing will be submitted in later legislation.

The budget for New Hampshire Hospital will increase slightly as will that for the Home for the Elderly.

The Welfare budget increased 11.8 per cent for the biennium. We eliminated the medical needy program on the theory that this would have the least adverse effect. Medical assistance will still be provided to most needy by utilizing other available sources of assistance.

#### Proposed Increases In Revenue and Cost Savings

To accomplish the things I have just outlined and produce a balanced budget we propose several increases in revenues and cost savings.

By footnotes in the budget we suggest holding the present level of distribution of the Business Profits Tax to towns and cities for the 1978-79 biennium. Thus, there would be neither a decrease nor increase in these funds for the local communities. The state would receive the full amount of the savings in this tax, estimated to be \$3.7 million.

By another footnote to the budget we would fund the regional vocational school tuition and transportation from the sweepstakes revenue. At the end of 1978 we would discontinue altogether the transportation payments. This footnote would effect a savings to the state of \$1.2 million.

At this point in our work we found we were short \$26,045,482 for balancing the budget.

This gap we closed and produced for use in legislative specials and for surplus the sum of \$4,619,518.

To do this will require the following legislative action.

Amend Workmen's Compensation law to eliminate full compensation for the first year and restore former compensation of two-thirds for that period.

Reduce state personnel by ten per cent for a possible savings of \$7 million for the biennium.

This would be accomplished by authorizing each State agency or department authorized for 20 or more permanent classified positions to reduce the total expenditure for said positions by an amount equal to 10 per cent of the total appropriation by the abolition of sufficient positions to realize said reduction notwithstanding other provisions of the law or regulation.

This force reduction would be at the sole discretion of the department head. The force reduction would be made in a manner to produce savings of a sum at least equal to the general fund portion of each classified permanent personnel services appropriation.

This action would be implemented no later than July 15, 1977, and would be irrevocable. The Director of Personnel would be notified on or before this date of the exact positions to be abolished by position number.

Assess insurance companies the cost of operating the Insurance Department as banks now do for the Banking Commission. This would be far more palatable to the companies than a premium increase, to which I am opposed.

We suggest the Liquor Commission be given authority to provide for Sunday store openings where such openings would produce substantial revenues.

We would increase Real Estate Transfer Tax by charging a minimum for each transaction of \$45.

We would increase the interest and dividends tax to 5 per cent, grant a \$1,200 exemption to elderly and blind and allocate the estimated increase in revenue of \$700,000 to the State.

We should recommend that Blue Cross-Blue Shield pay the same 2 per cent premium tax now paid by other insurance companies. This would produce about \$3 million for the biennium.

We suggest the sale of wine in stores to produce an extra one million dollars per year.

We suggest increasing fees and licenses for services, many of which have not been touched in years. This would produce about \$800 thousand dollars per year.

Horse racing multiple wagering, if authorized as we shall recommend, would produce almost an extra million per year.

Eliminate discounts for the meals and rooms tax would save the state about \$300 thousand per year.

And finally, raise the meals and room tax by 1 per cent to produce about \$7.5 million for the biennium, with all of the increase to come to the state.

In addition, we hope to raise another half million by obtaining authorization from Governor and Council to sell surplus state property, especially homes formerly used by state officials.

We are also asking that the Legislature share \$300,000 of its balance now available by authorizing the lapse of these funds.

#### Accounting Changes for New Budget

In all that we have said thus far about the budget, we have compared oranges to oranges. However, we have made new accounting changes in the 1978-1979 budget.

I call attention to several examples of these changes.

One example is the transfer payments in which expenditures are budgeted in one agency for interdepartmental payment to another agency either for services rendered or to support that agency's operation. This can be illustrated by the use of funds budgeted for CDP services. Another example would be highway funds budgeted to support the Department of Safety.

The purpose of expanding the transfer payments is to try to identify all costs against the various funds. Thus it should no longer be necessary to go to five different areas in the budget to identify all charges against the Highway fund.

Other highlights of the new accounting charges would show debt services as a part of the biennium budget rather than as a charge against unappropriated surplus. Parks revenue which was formerly restricted is unrestricted in this budget to show the full cost of the parks operation.

A very important budgeting change reflected in this budget are the budgeting of all indirect costs which will make it possible for us to obtain maximum federal funding. We anticipate that the increase in revenue by this change alone will be approximately \$1.8 million.

Due to these accounting changes, an additional \$74.5 million has been budgeted for the next biennium. This brings the total state budget to \$1.03 billion.

#### Continuing Study

We shall continue our efforts to effect greater economy in state government that can eventually be reflected in this budget.

For example, I shall shortly call upon one of your members, Representative Henry Richardson, to review with our staff possible further savings in maintenance of State automobiles. His rich background in motor transportation eminently qualifies him to help us in the purchase and maintenance of State vehicles.

As we develop new cost savings, and if need be, revenue ideas, we shall report them to you when we present the capital budget next month.

In the meantime, let me emphasize my strong desire to work constructively with all members of your body who are charged with the responsibility of preparing the 1978-79 budget.

Once again, for all that you might find good and helpful in this budget, I want to extend my grateful appreciation to the Comptroller, Arthur H. Fowler, and his deputy, Ralph Brickett; to Roy Lang, Director of Personnel and to the many others in their departments and in other departments, who worked with us for long hours over the last four months in trying to develop a sound budget that would



provide a maximum of services with a minimum of burden on the taxpayers.

Several areas of concern for which I feel we must still strive to find additional revenues are: The Laconia State School, a pay raise for the state employees, the University System, and more equal funding for unclassified employees.

I am deeply grateful for your patience in hearing me out in this lengthy message. I hope that by detailing the problems as I have, it will make our combined budgetary task easier than it might otherwise have been.

10 Year Comparison General Fund Income and Expenditures Actual and Projected (\$ Millions)					
Income*	165.7	243.0	276.3	320.4	355.0
Expenditures**	170.1	216.8	282.1	336.0	380.6
Excess of Income over					
Expenditure	(4.4)	26.2	(5.8)	(15.6)	(25.6)
Surplus/Deficit)	(5.2)	21.0	15.2	(.4)	(26.0)***

\*Includes Federal Revenue Sharing

\*\*Includes Debt Service and Other Statutory Obligations

\*\*\*Adjusted in Proposed Budget to 4.6 Surplus

Reps. Marshall French and Spirou moved that the Governor's budget message be printed in the Journal.

Adopted.

Rep. Marshall French and Sen. Saggiotes moved that the Convention rise.

Adopted.

HOUSE

RECESS

### COMMITTEE REPORTS

HB 31, making a supplemental appropriation to the adjutant general's department for fiscal 1977 and repealing restrictions on certain expenditures. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The need for this bill arose when the Adjutant General's Department was unable to pay the utility costs at Pease Air Force Base due to a footnote in the 1976-77 operating budget. The bill removes the restrictive footnote, thereby enabling the department to meet such expenses through cost/efficiency methods.

The amended bill calls for no new appropriation.

The Committee vote was unanimous.

Rep. Benton moved that HB 31 be made a special order for Thursday next.

Adopted.

HB 60, relating to registration and examination fees for professional engineers. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The amendment to this bill changes the effective date to "upon passage". This will enable the Board to increase its revenues during the balance of this fiscal year.

### Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Effective Date. This act shall take effect upon its passage.

Amendment adopted.  
Ordered to third reading.

HB 120, making a supplemental appropriation for the board of registration for professional engineers. Ought to Pass. Rep. Tucker for Appropriations.

The bill is needed to allow the Board of Professional Engineers to meet costs due to unexpected "current expenses".

Funding is provided through increased revenue from fees and will allow the board to conduct the spring examinations as scheduled.

Unanimous vote of Committee.

Ordered to third reading.

HB 5, relative to regulating the licensing of cosmetologists. Ought to Pass with Amendment. Rep. Ward for Commerce and Consumer Affairs.

This bill provides an alternate qualification to be licensed as an instructor by permitting a cosmetologist with at least one year's work experience as a licensed cosmetologist to be eligible.

The amendment is to delete the section that excludes the removal of hair or blemishes by direct application of an electric current "with a needle."

This amendment was requested by the board of cosmetology.

### Amendment

Amend the bill by striking out section 1 and renumbering sections 2 and 3 to read as

1 and 2 respectively.

Amendment adopted.  
Ordered to third reading.

HB 90, limiting the availability to foreign partnerships of certain trade names. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This bill was requested by the Secretary of State. It requires foreign partnerships to conform to the same requirements as domestic companies relative to adopting a name to be used in the state. Foreign partnerships were inadvertently excluded in previous legislation.

Ordered to third reading.



HB 99, relative to permitting an accountant to advertise. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

The purpose of this bill is to increase competition among accountants. In light of recent FTC action and hearings relative to advertising for optometrists and lawyers the committee voted ought to pass.

Rep. Morgan moved that HB 99 be recommitted to the Committee on Commerce and Consumer Affairs.  
Adopted.

CACR 2, relating to constitutional amendments proposed by the legislature. Providing that a constitutional amendment-concurrent resolution must be approved without change at two consecutive regular sessions before being submitted to the voters. Inexpedient to Legislate. Rep. Joncas for Constitutional Revision.

This proposal is basically sound but is one of several resolutions to change method of amendments. After all amendment methods reach the Committee, a committee recommendation may be made using or combining one or more resolutions. Adopting CACR 2 today would close the door on all other possible changes in the amending process.  
Resolution adopted.

CACR 3, relating to equality of rights. Providing that equality of rights shall not be denied or abridged by the state on account of race, creed, color, sex or national origin be abolished. Inexpedient to Legislate. Rep. Joncas for Constitutional Revision.

New Hampshire voters passed our state Equal Rights Amendment in 1974 by a vote of slightly more than 66 per cent. CACR 3 proposes returning the state Equal Rights Amendment to an already crowded ballot. It was the unanimous decision of this Committee that CACR 3 be termed "inexpedient to legislate". Changes to New Hampshire laws and government procedures brought about by New Hampshire's Equal Rights Amendment will be minimal and positive. Testimony we received and evidence reviewed from other states with Equal Rights Amendments leads us to believe New Hampshire's Equal Rights Amendment will continue to be a beneficial addition to New Hampshire's Constitution.

Rep. Chandler moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, spoke to his motion and subsequently withdrew his motion.

#### Ruling of the Chair

When inquiry was made of the right of Rep. Chandler to withdraw his motion, the Speaker ruled, after consulting Mason's Manual of Legislative Procedure, that the member could withdraw his motion. The pertinent section is as follows:

#### WITHDRAWAL OF MOTIONS

##### Sec. 272. Right to Withdraw Motions

1. Until a motion is stated by the presiding officer to the body as a question for its determination, the mover may withdraw or modify it without asking consent of anyone. Upon presentation of a motion, objections may be made to its form or questions may be raised as to its effect, and the maker can modify or withdraw it. The fact that the motion may be repeated by the presiding officer in the course of preliminary discussion of the motion does not take it out of the possession of the proposer and place it in the possession of the body until it is stated to the body for its action.

Rep. Polly Johnson spoke against the committee report.

Rep. Marshall French moved that CACR 3 be indefinitely postponed and spoke to his motion.

Rep. George Wiggins spoke in favor of the motion.

Rep. Chandler spoke against the motion.

Rep. Madeline Townsend requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 263 NAYS 97

YEAS 263

BELKNAP: Ambrose, Beard, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson, Found and Kenneth MacDonald.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Faucher, Fillback, Galloway, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatisis and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Keough, Olason, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Gemmill, Hough, Mann, Pepitone, Taffe, Taylor and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Aubut, Barrett, Belanger, Emile Boisvert, Bosse, Brack, Bridges, Brody, Burke, Carswell, Mark Connolly, Corser, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Dreniak,

Dupont, Joseph Eaton, Gelinas, Girolimon, Cort Hansen, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Lachance, LaFleur, Lamy, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Martin, Martineau, McDonough, McGlynn, McLaughlin, Miller, Morgan, Morrison, Nemzoff-Berman, Normand, Timothy O'Connor, O'Neil, Pappas, Pelletier, Peters, Plomaritis, Polak, Quigley, Seamans, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Kevin Sullivan, Francis Sullivan, Harold Thomson, Wallace, Wallin, Geraldine Watson, Welch, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, McNichol, Pelton, Plourde, Pratt, Ralph, Rice, Shepard, Stefanides, Stockman, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Barka, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Connors, Cotton, Cummings, Davis, Robert Day, Dunfey, Erler, Felch, Beverly Gage, Ganley, Goff, Gould, Greene, Grieco, Kashulines, King, Krasker, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Morrisette, Rod O'Connor, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Lucas, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

#### NAYS 97

BELKNAP: Lawton and Marsh.

CARROLL: Raymond Conley, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Anne Gordon, Hogan, Elmer Johnson, Moore and Whipple.

COOS: George Lemire, Willey and York.

GRAFTON: Aldrich, Buckman, George Cate, Clark, LaMott, Logan, McAvoy, Neil McIver, Rounds, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Baker, Bednar, Roland Boucher, Coburn, Joseph Cote, Margaret Cote, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Head, Heald, Daniel

Healy, Fred Murray, Nardi, Paradis, Arnold Perkins, Podles, Henry Richardson, Paul Riley, Sing, Stylianos, Sweeney, Van Loan and Emma Wheeler.

MERRIMACK: Bibbo, Laurent Boucher, John Cate, Chandler, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Mullin, Packard, Rich, Doris Riley, Gerald Smith, Doris Thompson and Waters.

ROCKINGHAM: Cunningham, Cutcliffe, Danforth, Flanagan, Carl Gage, Gaskill, Hoar, Kane, Laycock, Nelson, Parr, Anthony Randall, Schwaner, Webster and Helen Wilson.

STRAFFORD: Appleby, Belhumeur, Canney, Meader, Nadeau and Osgood.

SULLIVAN: Barrus, Burrows, D'Amante, Desnoyer, Gray, Ingram, LeBrun and Lewko, and CACR 3 was indefinitely postponed.

Rep. Vrakatisis inadvertently voted yea and meant to vote nay.

Rep. Raymond Conley inadvertently voted nay and wished to vote yea.

Rep. Head wished to be recorded in favor of the motion.

CACR 5, relating to granting of pensions by the legislature. Providing that the requirements that pensions be granted for not longer than one-year at a time be repealed. Ought to Pass. Rep. Joseph Eaton for Constitutional Revision.

In 1975 a similar resolution was adopted by vote of 301 to 9 in the House and 23 to 0 in the Senate. Defeat on referendum was due solely to the misunderstanding of the explanation in the voter's guide.

CACR 5 repeals Article 36 which set up a one year pension limit in reaction to some Civil War pension controversy. At this time Article 36 does nothing except require 3800 recipients of cost-of-living funds to be paid their entire two year's allocation the first year and nothing the second year.

Repeal of the Article 36 one year limitation does not cost the state any money whatever. CACR 5 will remove an obsolete restriction which is unfair to people living on retirement income.

352 members having voted in the affirmative and 2 members having voted in the negative, the constitutional requirement of three-fifths vote for passage of CACRs was met and CACR 5 was ordered to third reading.

#### SUSPENSION OF RULES

Rep. Joseph Eaton moved that the rules of the House be so far suspended as to place CACR 5 on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Rep. Marshall French moved that CACR 5 be read a third time and passed.

361 members having voted in the affirmative and no members having voted in the negative, the constitutional

requirement of three-fifths vote for passage of CACRs was met and CACR 5 was read and passed.

### Third reading and final passage

CACR 5, relating to granting of pensions by the legislature. Providing that the requirements that pensions be granted for not longer than one year at a time be repealed.

### COMMITTEE REPORTS (cont'd)

HB 7, adding the chancellor of the university system to and removing the citizen of the state from the New England Board of Higher Education. Ought to Pass with Amendment. Rep. Taffe for Education.

This bill adds the chancellor of the university system and the presidents of Keene and Plymouth State Colleges to the New England Board of Higher Education, increasing the number of New Hampshire members from three to six. This will bring New Hampshire more into line with other member states and fulfills a need for adequate representation for New Hampshire.

### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing the number of resident New Hampshire members of the New England Board of Higher Education.

Amend RSA 200-A:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

200-A:3 Membership of Board. The governor shall appoint 6 resident members from New Hampshire who shall be members of the New England Board of Higher Education. One of such resident members shall always be the chancellor of the university system, the second shall always be the president of the university of New Hampshire, the third shall be the president of Keene state college, the fourth shall be the president of Plymouth state college, the fifth shall be a member of the legislature of New Hampshire and the sixth shall be a citizen of the state designated by the governor as his responsible representative. The first appointment of the member who is a state legislator shall be for a term of 2 years, thereafter his term shall be for 4 years, provided that if during said term said member shall cease to be a member of the legislature his term as a member of the New England Board of Higher Education shall terminate and the governor shall fill said vacancy in the same manner as above provided for appointment of the legislator member. The term of office of the sixth New Hampshire member of the board shall be for 4 years and until his successor is appointed and qualified. Each member of the board shall receive his expenses actually and necessarily incurred by him in the performance of his duties

hereunder. In addition, the state legislator and the citizen member shall receive \$15 per day compensation for time actually spent in their work as a member of the New England Board of Higher Education, provided that the total for per diem compensation and expenses for each member of the board shall not exceed the sum of \$500 during any one fiscal year. All expenses and per diem compensation shall be audited by the comptroller as expenses of other employees are audited, and shall be a charge against any appropriation provided for this purpose.

Amendment adopted.

Referred to Appropriations.

HB 135, providing that the fees collected from general educational development tests and fire service training programs shall be used to support said programs. Inexpedient to Legislate. Rep. Valley for Education.

The Education Committee feels that current budgetary procedures make it possible to request that fees be set aside for specific purposes and no new legislation is necessary. The vote of the committee was unanimous.

Resolution adopted.

HB 145, making kindergartens mandatory. Inexpedient to Legislate. Rep. Henry Richardson for Education.

The Committee fully appreciates the needs for early age educational opportunity. However, the provisions of chapter 189:25 and 194:19a provide the local school districts with the right of options in implementing such a program.

Resolution adopted.

HB 44, establishing a legislative committee to study the feasibility of the state purchasing large farms on the open market and leasing same to individuals desirous of farming. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

It was the unanimous opinion of the committee that since New Hampshire farmlands are disappearing into development at the rate of thousands of acres per year, the state should study methods of preserving prime agricultural land, not only for open space, but for future food production.

### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a legislative committee to study the feasibility of the state preserving farm land by the purchase of land, development rights or easements and making lands so preserved available for agricultural purposes by lease back or renting to bona fide farm operators



Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee Established. There is hereby established a study committee for the purpose of investigating all aspects of the feasibility of having the state purchase farm lands on the open market, development rights and easements, to preserve farm lands for agricultural uses by leasing back or renting to bona fide farm operators. The committee shall develop guidelines to assure said lands will be managed in accordance with sound agricultural practices and for the purpose of this study the committee may make an inventory of state owned farm lands and investigate methods of financing the purchase of any additional farm lands. The committee shall consist of 3 members of the house of representatives appointed by the speaker; 2 members of the senate appointed by the president of the senate; 2 members from the general public who are actively engaged in farming and one representative from the municipal association, all appointed by the governor; and the commissioner of agriculture or his designee. The commissioner of agriculture or his designee shall call the first meeting of the committee at which time the committee shall elect one of its members as chairman. The committee members shall receive no compensation, but the legislative members shall be entitled to legislative mileage and other members shall be entitled to the mileage as paid state employees for their duties performed in connection with the committee study. The committee shall have the full cooperation of all state agencies in connection with this study. The committee shall submit its findings and recommendations in the form of a report on or before July 1, 1978 to the speaker of the house and the president of the senate.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 91, relative to assessing a charge for checks returned to the secretary of state. Ought to Pass with Amendment. Rep. Hoar for Executive Departments and Administration.

Bill as amended would require any state agency to assess a fee of \$5 for each uncollectible check received. The fee should discourage bad checks. Unanimous vote of Committee members present.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to assessing a charge for checks returned to all state agencies.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Protested Checks. Amend RSA 6 by inserting after section 11 the following new section:

6:11-a Protested Checks. Whenever any check issued in payment of any fee or for any other purpose shall be returned to any state agency as uncollectible, that agency shall charge a fee of \$5 plus all protest and bank fees, in addition to the amount of said check, to the person presenting such a check to said agency, to cover the cost of its collection.

2 Repeal. RSA 262:36 relative to protested checks in the division of motor vehicles is hereby repealed.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 21, increasing the state minimum wage to \$3 per hour. Majority: Ought to Pass with Amendment; Rep. Grieco for Labor, Human Resources and Rehabilitation. Minority (Reps. Cutcliffe, Head, Gould, Polly B. Johnson, Richards and Stylianos): Inexpedient to Legislate.

Majority: The majority of the Committee felt that a compromise of \$2.60 per hour be established as the minimum wage in the State. The minimum hourly wage now in New Hampshire is set by the Federal minimum wage, and automatically goes to what that rate is. Committee vote was 8 to 6.

Minority: A minority of the House Committee on Labor, Human Resources and Rehabilitation believes that HB 21 should be voted inexpedient to legislate. We feel that raising the state minimum wage above other states would be not only inflationary, but would also have a disastrous effect on New Hampshire's competitive position in the production of goods and services, resulting in increased unemployment and welfare, and destroying the healthy economic climate we now enjoy.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the state minimum wage to \$2.60 per hour.

Amend the introductory paragraph of RSA 279:21 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

No person, firm or corporation shall employ any employee at a rate of less than \$2.60 per hour or at a rate lower than that required by the federal minimum wage law, as amended, whichever is higher. For purposes of determining whether an employee of a restaurant, hotel, motel,



inn or cabin, who customarily and regularly receives more than \$20 a month in tips, is receiving the minimum hourly rate prescribed in this chapter, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 percent of the applicable minimum wage rate, except that in the case of an employee who, either himself or acting through his representative, shows to the satisfaction of the commissioner that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this paragraph, the amount paid such employee by his employer shall be deemed to have been increased by such less amount. The limitations imposed hereby shall be subject to the following exceptions.

Rep. Head moved that the minority report, inexpedient to legislate, be substituted for the majority report, ought to pass with amendment, and spoke to her motion.

Rep. Lawton spoke in favor of the motion.

Rep. Plourde spoke against the motion.

Rep. Joseph Cote requested a quorum count.

The Speaker declared a quorum present.

Rep. Stylianos, Richards and Gould spoke in favor of the motion.

Reps. Coutermarsh, Valliere, James J. White, McGlynn and McDonough spoke against the motion.

Rep. Spirou moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Hebert abstained from voting under Rule 16.

(Speaker presiding)

YEAS 228 NAYS 125

YEAS 228

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Michael Hanson, Lawton, Mansfield, Marsh, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found, Howard and Kenneth MacDonald.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Scranton, Slack and Whipple.

COOS: Burns, Bradley Haynes, Horton, Huggins, Keough, Mabel Richardson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Cornelius, Dearborn, Duhaime, Gemmill, Hough, LaMott, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Belanger, Bosse, Brack, Bridges, Carswell, Coburn, Mark Connolly, Corser, Crotty, Currier, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Levesque, Lyons, Martin, Martineau, McLaughlin, Miller, Morgan, Morrison, Fred Murray, O'Neil, Paradis, Pelletier, Arnold Perkins, Peters, Podles, Polak, Quigley, Henry Richardson, Paul Riley, Seamans, Leonard Smith, Soucy, Stahl, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Welch, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Blakeney, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna McIver, Mullin, Packard, Arthur Perkins, Pratt, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Doris Thompson and Wiviott.

ROCKINGHAM: Akerman, Aller, Appel, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Hoar, Kane, King, Joseph McEachern, Nelson, Niebling, Norton, Parr, Richards, Sanborn, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Vlack and Helen Wilson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Horrigan, Joncas, Joos, Lefavour, Lessard, Maloomian, Nadeau, Osgood, Preston, Ruel, Sackett, Schreiber, Tripp and Voll.

SULLIVAN: Barrus, Burrows, Desnoyer, Gray, Ingram, LeBrun, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 125

BELKNAP: Gary Dionne, Coyette, Hildreth, Morin and Nighswander.

CARROLL: Claflin, Keller and Towle.

CHESHIRE: Dostilio, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Terry Wiggins.

COOS: Cooney, Fortier, George Lemire, Oleson, Patenaude, Poulin, Neila Woodward and York.

GRAFTON: Chambers, Copenhaver, Crory and Logan.

HILLSBOROUGH: Aubut, Baker, Barrett, Bernier, Emile Boisvert, Roland Boucher, Brody, Burke, Joseph Cote, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, Gelinas, Sal Grasso, Daniel Healy, Kaklamanos, Lachance, Lamy, LaPlante, Armand Lemire, Madigan, McDonough, McGlynn, Nardi, Nemzoff-Berman, Normand, Timothy O'Connor, Pappas, Plomaritis, Sing, Edward Smith, Spirou, Francis Sullivan, Sweeney, Wallin, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bodi, Carroll, McLane, McNichol, Pelton, Ralph, Rice, Ernest Valliere, Waters and Robert Watson.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Dunfey, Felch, Grieco, Kashulines, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Parolise, Pucci, Quimby, Anthony Randall, Rogers, Rossley, Alfreda Smith, Splaine, Wojnowski, Wolfson and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Kelly, Kincaid, Maglaras, Meader, Morrisette, Rod O'Connor, Dennis Ramsey, Donald Smith, Torrey, Valley, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, and the motion to substitute was adopted.

Rep. Scamman wished to be recorded in favor of the Head motion.

Reps. Michael Woodard, Drewniak, Cornelius and Lessard inadvertently voted yea and meant to vote nay.

Rep. Kenneth Smith wished to be recorded in favor of the majority report.

Rep. LaFleur wished to be recorded in favor of the committee amendment.

Rep. Marshall French moved that HB 21 be indefinitely postponed.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 223 NAYS 133

YEAS 223

BELKNAP: Ambrose, Beard, Marshall French, Michael Hanson, Lawton, Mansfield, Marsh, Kenneth Randall, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard and Kenneth MacDonald.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Ladd, Lynch, Marshala, Moore, Parker, Scranton, Slack, Vrakatitsis and Whipple.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Keough, Mabel Richardson, Theriault and Alcide Valliere.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Gemmill, Hough, LaMott, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Alter, Aubut, Belanger, Emile Boisvert, Bosse, Brack, Bridges, Carswell, Coburn, Mark Connolly, Corser, Crotty, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, Lachance, Levesque, Lyons, Martin, Martineau, McLaughlin, Miller, Morgan, Morrison, Fred Murray, O'Neil, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Henry Richardson, Paul Riley, Seamans, Leonard Smith, Soucy, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Welch, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Mullin, Packard, Arthur Perkins, Pratt, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Doris Thompson, Trachy and Wiviott.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Hoar, Kane, King, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parr, Richards, Sanborn, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Vlack, Helen Wilson and Wolfson.

STRAFFORD: Appleby, Walter Desmarais, Horrigan, Joncas, Joos, Lefavour, Lessard, Maloomian, Osgood, Preston, Ruel, Sackett, Tripp and Voll.

SULLIVAN: Barrus, Burrows, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 133

BELKNAP: Bowler, Gary Dionne, Goyette, Hildreth, Morin, James Murray and Nighswander.

CARROLL: Roderick Allen, Keller and Towle.

CHESHIRE: Dostilio, Krause, Matson, Proctor, Margaret Ramsay, Russell, Terry and Terry Wiggins.

COOS: Cooney, George Lemire, Oleson, Patenaude, Poulin, Wiswell, Neila Woodward and York.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Logan and Michael Woodard.

HILLSBOROUGH: Baker, Barrett, Bernier, Roland Boucher, Brody, Burke, Joseph Cote, Margaret Cote, Coutermarsh, Cullity, Currier, Catherine-Ann Day, Arline Dion, Drewniak, Sal Grasso, Daniel Healy, Hynes, Lamy, LaPlante, Armand Lemire, Madigan, McDonough, McGlynn, Nardi, Nemzoff-Berman, Normand, Timothy O'Connor, Pappas, Sing, Edward Smith, Spirou, Stahl, Francis Sullivan, Sweeney, Wallin, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Gamache, McLane, McNichol, Pelton, Plourde, Ralph, Rice, Ernest Valliere, Waters and Robert Watson.

ROCKINGHAM: Aeschliman, Appel, Carpenito, Collins, Connors, Cotton, Dunfey, Felch, Grieco, Kashulines, Krasker, Laycock, Joseph MacDonald, Maynard, Parolise, Pucci, Quimby, Anthony Randall, Rogers, Rossley, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Canney, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Kelly, Kincaid, Maglaras, Meader, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Schreiber, Donald Smith, Torrey, Valley, Shirley White and Allen Wilson.

SULLIVAN: Brodeur and Lucas, and HB 21 was indefinitely postponed.

HB 121, relative to town officers' associations. Ought to Pass. Rep. Perkins for Municipal and County Government.

This bill gives permission for town officers dues to be increased from \$10 to \$20.

Ordered to third reading.

HB 12, requiring an environmental impact statement to be filed with the director of forests and lands before cutting or destroying vegetation growing at an elevation greater than 3,000 feet. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

This bill would impede legitimate cutting, which must be justified under other statutes, and be practically unenforceable. Committee vote 17 - 0. Resolution adopted.

HB 28, authorizing the water resources board to acquire the dam on Sunrise Lake in Middleton. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

Other remedies for this situation were insufficiently explored by the affected parties; particular reference

to RSA 52:1 (k) impoundment of water.

Also cooperation of three other shore owners, associations insufficiently explored. Committee vote 13 - 0.

Resolution adopted.

HB 42, eliminating the authority of the water supply and pollution control commission over single lot building if town or city has its own zoning or other development controls. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

While laudable as an effort to relieve the pressures on WSPCC the reference to zoning regulations and "adequate building code or other restrictions" would leave too much open to local interpretations and allegedly repeat RSA 149-E. Committee vote 14 - 0. Resolution adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Sanders offered the following:

HOUSE CONCURRENT RESOLUTION NO. 2 relative to the department of the army corps of engineers assuming jurisdiction over dredge and fill control in waterways and contiguous wetlands of the state.

Referred to Resources, Recreation and Development.

#### SUSPENSION OF RULES

Rep. Raymond Conley moved that the rules of the House be so far suspended as to exempt the Statutory Revision Committee from the provision of House Rule 43 which requires a hearing on all bills within twelve legislative days and from the provision of House Rule 57 which requires a committee report on all bills within fifteen legislative days; these exemptions to apply only to bills dealing with election reform provided however, that the Statutory Revision Committee shall hold hearings on all election reform bills and report them for consideration by the House no later than the Thursday prior to any deadline set by joint rules or resolution for the transfer of bills out of the first house, and spoke to his motion.

Unanimously adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Edgar Bellerose offered the following:

HOUSE RESOLUTION NO. 12 honoring Pvt. George M. Lamiette for services performed aboard the USS Maine. WHEREAS, on this, the 15th day of February 1977, our country is observing the 79th anniversary of the sinking of the battleship "USS Maine" in the harbor of Havana, Cuba; and

WHEREAS, a Pembroke native, George M. Lamiette, following in the tradition of New Hampshire sons and daughters in the never ending struggle to preserve freedom in the Americas, gave his life for these ideals when the USS Maine was sunk by enemy action; and

WHEREAS, Pvt. George M. Lamiette, a four-year veteran of the Marine Corps, had been aboard the USS Maine for two and one-half years at the time of his untimely death; now therefore be it

RESOLVED, that when the House of Representatives adjourns on this day, it will do so in honor of Pvt. George M. Lamiette, United States Marine Corps Hero, who died in the line of duty.

The clerk read the resolution in full.  
Adopted unanimously.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 17 at 1:00 p.m.  
Adopted.

#### LATE SESSION

Third reading and final passage.

HB 60, relating to registration and examination fees for professional engineers.

HB 120, making a supplemental appropriation for the board of registration for professional engineers.

HB 5, relative to regulating the licensing of cosmetologists.

HB 90, limiting the availability to foreign partnerships of certain trade names.

HB 121, relative to town officers' associations.

#### RECESS

(Rep. Marshall French in the chair)

Rep Leonard Smith offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, HBs numbered 311 through 345 and CACR 11 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF BILLS AND CACR

First, second reading and referral

HB 311, relative to notice by the conservation commission to the water resources board on local investigations pending dredge and fill approval. (Zabarsky of Rockingham Dist. 22; Aeschliman of Rockingham Dist. 18; Splaine of Rockingham Dist. 19 - To Resources, Recreation and Development)

HB 312, relative to the commission for human rights. (Poulin of Coos Dist. 9 - To Judiciary)

HB 313, prescribing the manner of posting land and providing a penalty for trespassing on posted land. (Reald of Hillsborough Dist. 5, for Fish and Game - To Fish and Game)

HB 314, improving procedures of the medical board for supervising medical practice and stabilizing medical liability claims. (Wilson of Rockingham Dist. 2; Coutermarsh of Hillsborough Dist. 24; Sen. Smith of Dist. 3; Sen. McLaughlin of Dist. 13; Copenhaver of Grafton Dist. 13; Kidder of Merrimack Dist. 1 - To Health and Welfare)

HB 315, permitting trustees of trust funds of towns to hire or employ trust departments of banks to assist in the management and investment of trust fund resources. (Bednar of Hillsborough Dist. 14; Wiggins of Sullivan Dist. 8; French of Belknap Dist. 1, for Department of Revenue Administration - To Commerce and Consumer Affairs)

HB 316, relative to the exemption period for subdivision plat approval. (Hanson of Merrimack Dist. 5 - To Municipal and County Government)

HB 317, authorizing the conversion of state savings banks into federal savings banks. (Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 318, prohibiting certain conflicts of interest for members of the general court. (White of Hillsborough Dist. 27 - To Legislative Administration)

HB 319, providing for payment of a claim to David F. Carter and making an appropriation therefor. (Waters of Merrimack Dist. 9 - To Claims, Military and Veterans Affairs)

HB 320, relative to secured loaning authority of cooperative banks, building and loan associations and savings and loan associations. (Burns of Coos Dist. 4; Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 321, relative to applications for mortgage loans from cooperative banks, building and loan associations and savings and loan associations. (Burns of Coos Dist. 4; Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 322, relative to the unsecured loaning authority of cooperative banks, building and loan associations and savings and loan associations. (Burns of Coos Dist. 4; Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 323, relative to loss of settlement for participation in local work programs. (Bednar of Hillsborough Dist. 14; Wiggins of Sullivan Dist. 8; Sen. Keeney of Dist. 14; Boucher of Rockingham Dist. 3; Drewniak of Hillsborough Dist. 30 - To Municipal and County Government)

HB 324, relative to the taking of bobcat and fisher. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HB 325, prohibiting the state from using state funds to issue petitions favoring one side of an issue. (Burchell of Strafford Dist. 12; Wojnowski of Rockingham Dist. 14; Rossley of Rockingham Dist. 23; Found of Carroll Dist. 2; Dionne



of Belknap Dist. 6; Carpenito of Rockingham Dist. 5; Terry of Cheshire Dist. 16; Foley of Merrimack Dist. 1; Rice of Merrimack Dist. 20; Sen. Foley of Dist. 24; Sen. Hancock of Dist. 15; McLane of Merrimack Dist. 16; Sen. Bradley of Dist. 5; Stahl of Hillsborough Dist. 17; Taylor of Grafton Dist. 9; Gage of Rockingham Dist. 13; Haynes of Coos Dist. 1; Martin of Hillsborough Dist. 10 - To Constitutional Revision)

HB 326, adopting the provisions of the uniform vehicle code pertaining to the operation of emergency vehicles.

(Dearborn of Grafton Dist. 11. for the Department of Safety - To Transportation)

HB 327, relative to an electrician's licensing board. (Riley of Hillsborough Dist. 26 - To Commerce and Consumer Affairs)

HB 328, prohibiting the removal of sand or vegetation from a sand dune and providing a penalty therefor. (Felch of Rockingham Dist. 11 - To Environment and Agriculture)

HB 329, relative to the tenure of the poet laureate of New Hampshire. (Scranton of Cheshire Dist. 16 - To Executive Departments and Administration)

HB 330, relating to the reclassification of certain highways in the town of Ossipee. (Keller of Carroll Dist. 5; Allen of Carroll Dist. 5, for Department of Public Works and Highways - To Public Works)

HB 331, providing for the disposal of septic tank material. (Heald of Hillsborough Dist. 5, for Water Supply and Pollution Control - To Resources, Recreation and Development)

HB 332, requiring records relative to meals and rooms tax to be kept by each operator for a 3 year period. (French of Belknap Dist. 1; Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Ways and Means)

HB 333, providing a penalty for operating a restaurant or hotel after suspension of license for failure to pay meals and rooms taxes. (French of Belknap Dist. 1; Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Ways and Means)

HB 334, establishing a Pembroke district court. (Bodi of Merrimack Dist. 7; Plourde of Merrimack Dist. 7 - To Judiciary)

HB 335, appropriating funds for the current use advisory board. (Johnson of Cheshire Dist. 3; Taylor of Grafton Dist. 9 - To Environment and Agriculture)

HB 336, including mopeds and tractors in the definition of "motor vehicle" for purposes of driving under the influence of liquor or drugs. (Daniell of Merrimack Dist. 13 - To Transportation)

HB 337, eliminating annual reapplication requirements for certain property tax exemptions. (Mullin of Merrimack Dist. 10 - To Municipal and County Government)

HB 338, relative to fiscal year taxpayers. (McLane of Merrimack Dist. 16 - To Ways and Means)

HB 339, expanding the role of the athletic commission. (Claflin of Carroll Dist. 4 - To Executive Departments and Administration)

HB 340, abolishing the police commission in Claremont. (D'Amante of Sullivan Dist. 5; Desnoyer of Sullivan Dist. 4; Burrows of Sullivan Dist. 5 - To Municipal and County Government)

HB 341, relative to the duties of the director, division of forests and lands and providing for access to land by employees of this division. (Barrus of Sullivan Dist. 2; Taylor of Grafton Dist. 9; Sen. Poulsen of Dist. 2 - To Resources, Recreation and Development)

HB 342, relative to deputy conservation officers. (Scott of Sullivan Dist. 6 - To Fish and Game)

HB 343, providing for the delivery by the town clerk to the voter, in person, or mailing to said voter an absentee ballot. (Rice of Merrimack Dist. 20 - To Statutory Revision)

HB 344, relative to electrical installations in a single family residence. (D'Amante of Sullivan Dist. 5 - To Commerce and Consumer Affairs)

HB 345, relative to the appointment of assistant secretaries of state. (French of Belknap Dist. 1 - To Executive Departments and Administration)

CACR 11, relating to qualifications of Senators and Councilors. Providing that the minimum age for a Senator be reduced to 25 and the residency requirement be reduced to 5 years. (Foley of Merrimack Dist. 1; Maglaras of Strafford Dist. 17 - To Constitutional Revision)

363 members were recorded present.

#### ABSENT

Members not answering the attendance call, not granted leave of absence or not excused:

Reps. Kane, Head, Shapiro, Dunfey, DeCesare, Ward, Robert Wheeler, Zabarsky, Clancy, Kerry O'Connor, Lucas, Ainley, Marcoux, Bibbo, Colson, Bellemore, Hunt, Simard, Nemzoff-Berman, Quimby and Ellis.

#### RECESS

Rep. Marshall French moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 10

*Thursday, 17 Feb 77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Hear our prayers Lord. Remind us once again that You are not much impressed with our panic-ridden activities nor excited by our maneuvering for position. Help us in the seriousness and importance of compromise to be less self-seeking and more concerned for serving the people of our state. Help us in our earnest search to serve, to get our priorities in order by sincerely seeking Your Word, for us, in the issues that are before us this day. God, grant us wisdom sufficient for our tasks today. Amen!

## LEAVES OF ABSENCE

Reps. Frizzell, Shea, Forsaith Daniels, Horrigan, Myrl Eaton and Danforth, the day, illness.

Reps. Stomberg, Griffin, Orcutt, Martineau, Chapman, Nemzoff-Berman, Faucher, Blakeney and Riley, the day, important business.

## INTRODUCTION OF GUESTS

Mrs. G. Dana Kenyon, Miss Alice Burnham and Mrs. Leonard Sanborn, guests of Rep. Sanborn.

## SENATE MESSAGES CONCURRENCE

HB 33, repealing the statute relevant to reinstatement of World War II veterans' licenses.

## NONCONCURRENCE

HB 10, establishing an age limitation for deputies and special deputies appointed by the sheriffs.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 35, relative to the incompatibility of certain town offices. (Municipal and County Government)

SB 44, relative to the financial security of horse and dog race licensees. (Regulated Revenues)

## SIX-DAY EXTENSIONS GRANTED

HB 66, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years. (Regulated Revenues)

HB 78, increasing the fees for hunting and fishing licenses and providing for free licenses for persons 65 years of age or older. (Fish and Game)

HB 80, redefining serious bodily injury in the criminal code. (Judiciary)

HB 81, increasing the penalty for assault which causes bodily injury. (Judiciary)

HB 79, relative to the location of cemeteries. (Statutory Revision)

HB 82, relative to the surnames of spouses after marriage. (Statutory Revision)

## SENATE MESSAGE

### REQUEST CONCURRENCE WITH SENATE AMENDMENT

HB 92, legalizing a special town meeting in Pittsfield. (Amendment printed in SJ 2/16)

The Assistant Clerk read the amendment in full.

Rep. Richard Hanson moved that the House concur with the Senate amendment and spoke to his motion.

Adopted.

## SPECIAL ORDER

The Speaker called for the Special Order:

HB 31, making a supplemental appropriation to the adjutant general's department for fiscal 1977 and repealing restrictions on certain expenditures. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The need for this bill arose when the Adjutant General's Department was unable to pay the utility costs at Pease Air Force Base due to a footnote in the 1976-77 operating budget. The bill removes the restrictive footnote, thereby enabling the department to meet such expenses through cost/efficiency methods.

The amended bill calls for no new appropriation.

The Committee vote was unanimous.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

repealing restrictions on certain expenditures relative to Pease Air Force base.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Repeal. The asterisk footnote to 1975, 505:1.02, 02, 01, 20, is hereby repealed.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

## COMMITTEE REPORTS (Consent Calendar)

Rep. Joseph Cote requested that HB 48 be withdrawn from the consent calendar.

Rep. Marshall French moved that the House adopt the committee recommendation of inexpedient to legislate on HB 185, and further moved that the House adopt the committee recommendations of ought to pass on HBs 104 and 143.

Adopted.

HB 185, making the land use change tax applicable to the entire tract affected. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

The committee agrees unanimously (18-0) that this bill should not be passed in the present form. There is more legislation pending which will give an opportunity to consider whether we need to make any changes at this time.

There have been insufficient cases of change in land use classification to justify amending the procedure.

HB 104, providing for the disposal of certain fish, game, fur-bearing animals and marine species. Ought to Pass. Rep. Gerald Smith for Fish and Game.

This bill legalizes the Fish and Game Department to dispose of fish and game and marine species which have been confiscated, seized or picked up for any reasons. Committee vote 10-2.

HB 143, requiring a permit and fee for a commercial fishing tournament or contest. Ought to Pass. Rep. Pratt for Fish and Game.

To give fish and game some control over the fishing tournaments. This is primarily for commercial fishing contest and has no bearing on tax free organizations. Committee vote was unanimous.

#### COMMITTEE REPORTS (Regular Calendar)

HB 96, increasing the appropriation for regional vocational education centers. Ought to Pass. Rep. Krasker for Education.

The Education Committee feels strongly that vocational education is a top priority. This is enabling legislation to continue the 20 Regional Vocational Education Centers endorsed by the State Board and State Department of Education. HB 96 was unanimously approved by the Committee. Referred to Appropriations.

HB 118, restricting deer hunting in the lakeshore area of the town of Alton. Inexpedient to Legislate. Rep. Wolfson for Fish and Game.

Committee felt that residents of Alton had not exhausted local options on closing this area. Committee vote was 15 - 1.

Rep. Stimmell moved that HB 118 be recommitted to the committee on Fish and Game and spoke to his motion. Adopted.

HB 136, providing for a 3-day nonresident small game hunting license. Ought to Pass with Amendment. Rep. Huggins for Fish and Game.

Committee felt there was a market for three day nonresident hunting license. All testimony was in favor. Committee vote was unanimous.

#### Amendment

Amend RSA 214:9, VII-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII-b. If the applicant is a nonresident and wishes to hunt game other than deer or bear for 3 consecutive days, \$12.50, and said agent shall thereupon issue a 3-day small game license which shall entitle the licensee to hunt, shoot or take game birds and game animals with the exception of deer and bear under the restrictions of this title.

Amendment adopted.

Ordered to third reading.

HB 122, relative to the duties of town tax collectors. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

This bill would raise the amount of tax receipts from \$500 to \$3,000 that may be held by the tax collector before turning over to the town treasurer, which the committee feels is not justified for reasons of security and good business practice. Resolution adopted.

HB 133, prohibiting self-sustaining departments of municipal government from exceeding appropriations voted for their departments without complying with the provisions of RSA 32:10-a. Ought to Pass. Rep. Mann for Municipal and County Government.

This bill imposes limitations on appropriations made by self-sustaining town departments under the municipal budget acts to help eliminate over-drafts and violations under these acts.

Ordered to third reading.

HB 152, relative to annual property inventory forms. Ought to Pass with Amendment. Rep. Pepitone for Municipal and County Government.

This bill makes the inventory form an official document and makes it mandatory for all property owners to file one.

#### Amendment

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Declaration of Intent. It is hereby declared to be in the best interests of cities and towns that the annual inventory form be used by the assessors or selectmen as a means of enabling those officials to perform their duties as assessors more efficiently. To this end, the annual inventory is to be considered a mandatory requirement, and failure to return a properly completed inventory shall result in a penalty which may be treated as incident to the tax.

2 New Sections. Amend RSA 74 by inserting after section 7 the following new sections:

## 74:7-a Penalty for Failure to File.

Any person who fails to file a fully completed inventory form on or before April 15, unless granted an extension under RSA 74:8, shall pay a penalty of one percent of the property tax for which he is liable. In no case, however, shall the penalty be less than \$10 or more than \$50. Any person who fails to file an inventory form and who becomes liable to pay the penalty specified in this section shall lose his right to appeal any matter pertaining to the property tax for which he is liable or exemptions to which he may be entitled. This penalty has all the force of taxation and shall be treated as incident to the tax.

74:7-b Distribution of Penalty. All penalties collected under RSA 74:7-a shall be retained for the use of the city or town in which they are collected.

Amendment adopted.

Ordered to third reading.

HB 2, relative to prohibition on advertising by the liquor commission. Majority: Inexpedient to Legislate. Rep. Bridges for Regulated Revenues. Minority (Rep. Sanborn): Ought to Pass.

Majority: By a vote of 14 to 1 the Committee voted this bill inexpedient to legislate. It felt that advertising was a necessary ingredient in the merchandising program of the Liquor Commission. The primary reason for this was to meet the competition from liquor dealers from out of state, who offer low-priced specials. The Liquor Commission pointed out in testimony, that the success of the most recent promotion was due to advertising. This is a fiercely competitive market. The public needs to be informed that New Hampshire sells national brands at the lowest prices. If the Commission can't tell the consumer of the availability of weekly and monthly specials they would be unable to meet the competition head to head.

Minority: It is inconsistent for the State Liquor Commission to promote sales while other state agencies are working against the effects of alcohol abuses. There is no evidence that advertising is needed, since the present level of liquor revenue was achieved without advertising. Present law does not clearly authorize the Commission to promote sales and Article 83 of the Constitution can be interpreted to make advertising of liquor unconstitutional.

Rep. Sanborn moved that the Minority report, ought to pass, be substituted for the Majority report, inexpedient to legislate, and spoke to his motion.

Rep. Coutermarsh spoke against the motion.

Rep. Eugene Daniell spoke in favor of the motion.

(Rep. Marshall French in the chair)

Reps. Barrus, Niebling and Towle spoke in favor of the motion.

Rep. Plourde spoke against the motion.

Rep. Lawton moved that HB 2 be indefinitely postponed and spoke to his motion.

(Speaker in the chair)

Rep. Campbell spoke against the motion.

Rep. Bridges spoke in favor of the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Question being on the Lawton motion, a roll call was requested. Sufficiently seconded.

Reps. Sanders and Nardi abstained from voting under Rule 16.

(Speaker presiding)

YEAS 193 NAYS 163

YEAS 193

BELKNAP: Marshall French, Michael Hanson, Lawton, Mansfield, Marsh, James Murray, Kenneth Randall and Sabbow.

CARROLL: Claflin, Raymond Conley, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Fillback, Anne Gordon, Hogan, Krause, Marshala, Slack, Vrakatitsis and Whipple.

COOS: Cooney, Fortier, Horton, Hunt, George Lemire, Alcide Valliere, Wiswell and York.

GRAFTON: Ira Allen, Buckman, Cornelius, Dearborn, Duhaime, Logan, Mann, McAvoy, Pepitone, Rounds, Snell and Glyneta Thomson.

HILLSBOROUGH: Baker, Barrett, Bednar, Belanger, Emile Boisvert, Bridges, Brody, Burke, Coburn, Joseph Cote, Coutermarsh, Cullity, Arline Dion, L. Penny Dion, Drowniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinus, Granger, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Karnis, Keefe, Knight, Lachance, Lamy, LaPlante, Armand Lemire, Lyons, Marcoux, Martin, McDonough, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Normand, Timothy O'Connor, Pappas, Paradis, Pelletier, Arnold Perkins, Plomaritis, Polak, Quigley, Record, Henry Richardson, Seamans, Simard, Sing, Soucy, Spirow, Stahl, Stylianos, Francis Sullivan, Wallin, Geraldine Watson, Welch, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, Milton Cate, Chandler, Foley, Gamache, Richard Hanson, James Humphrey, Kidder, McLane, Packard, Pelton, Plourde, Pratt, Ralph, Rice, Doris Riley,



Shepard, Stefanides, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, William Boucher, Connors, Cunningham, Cutcliffe, Davis, Erler, Felch, Grieco, Hartford, King, Maynard, Joseph McEachern, Parr, Schwaner, Stimmell, Tavitian, Webster, Helen Wilson and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Bruce French, Hebert, Dianne Herchek, James Herchek, Joncas, Joos, Kincaid, Maglaras, Maloomian, Nadeau, Rod O'Connor, Osgood and Tripp.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, LeBrun, Lewko, Palmer, Scott, Tucker and George Wiggins.

#### NAYS 163

BELKNAP: Beard, Bowler, Gary Dionne, Hildreth, Morin and Nighswander.

CARROLL: Dickinson, Found, Keller and Towle.

CHESHIRE: Dostilio, Galloway, Irvin Gordon, Elmer Johnson, Ladd, Lynch, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Terry Wigin.

COOS: Burns, Bradley Haynes, Huggins, Keough, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault and Willey.

GRAFTON: Aldrich, George Cate, Chambers, Clark, Copenhaver, Crory, Gemmill, Hough, LaMott, Neil McIver, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Albert Bellemore, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Nancy Gagnon, Girolimon, Cort Hansen, Thomas Hynes, Kaklamanos, LaFleur, Levesque, McGlynn, Kerry O'Connor, O'Neil, Peters, Edward Smith, Leonard Smith, St George, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Carroll, John Cate, Eugene Daniell, Hess, Polly Johnson, LaBonte, Donna MacIvor, McNichol, Mullin, Arthur Perkins, Rich, Gerald Smith, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blake, Blanchette, Campbell, Carpenito, Collins, Cotton, Cummings, Robert Day, Dunfey, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Nelson, Niebling, Norton, Parolise, Pucci, Anthony Randall, Richards, Rogers, Rossley, Sanborn, Scamman, Skinner, Alfreda Smith,

Splaine, Stratton, Vlack, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Charles Grassie, Kelly, Lefavour, Meader, Morrisette, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Gray, Ingram, Spaulding and Sara Townsend, and HB 2 was indefinitely postponed.

Rep. Nemzoff-Berman wished to be recorded in favor of the motion to indefinitely postpone.

HB 108, permitting the liquor commission to issue a special license to certain bowling centers to serve liquor and beverages. Majority: Ought to Pass. Rep. Sanborn for Regulated Revenues. Minority (Rep. Sanborn): Inexpedient to Legislate.

Majority: This bill will allow bowling centers of ten or more bowling lanes, to serve liquor in a separate room, approved by the Liquor Commission and during hours set by the Commission. Committee vote was 14 - 1. Minority: A similar measure was strongly opposed in the House last term and died in a Senate Committee. Bowling alleys can now have adjacent restaurant licenses. Bowling involves youth and family participation and should not have liquor licenses on the premises.

Rep. Sanborn moved that the Minority report, inexpedient to legislate, be substituted for the Majority report, ought to pass, and spoke to his motion.

Reps. Lawton and Rod O'Connor spoke against the motion.

Reps. Dennis Ramsay and Tripp spoke in favor of the motion.

Rep. Tripp yielded to Rep. Sanborn.

Reps. Burns, Richard Hanson and Coutermarsh spoke against the motion.

Reps. M. Arnold Wight and Barrus spoke in favor of the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Question being on the Sanborn motion, a roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 114 NAYS 241

YEAS 114

BELKNAP: Beard, Bowler, Gary Dionne, Mansfield, Morin and Kenneth Randall.

CARROLL: Roderick Allen, Raymond Conley, Dickinson and Towle.

CHESHIRE: Callahan, Irvin Gordon, Elmer Johnson, Ladd, Marshala, Moore, Proctor and Terry Wigin.

COOS: Keough, Oleson and Willey.

GRAFTON: Chambers, Clark, Copenhaver, Crory, McAvoy, Neil McIver, Taffe and Madeline Townsend.

HILLSBOROUGH: Ainley, Aubut, Carswell, Coburn, Corser, Joseph Cote, Coughlin, Catherine-Ann Day, Arline Dion, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Thomas Hynes, Kaklamanos, Knight, LaFleur, Levesque, McGlynn, Normand, Henry Richardson, St George, Harold Thomson, Emma Wheeler and M. Arnold Wight.

MERRIMACK: John Cate, Polly Johnson, LaBonte, Donna MacIvor, Rich, Shepard, Stefanides and Robert Watson.

ROCKINGHAM: Aeschliman, Appel, Blake, Campbell, Collins, Cummings, Robert Day, Erler, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Kane, Kashulines, Krasker, Donna McEachern, Nelson, Parolise, Anthony Randall, Richards, Rogers, Sanborn, Skinner, Splaine and Wojnowski.

STRAFFORD: Appleby, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Kelly, Kincaid, Lefavour, Meader, Preston, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Gray, Spaulding and Sara Townsend.

#### NAYS 241

BELKNAP: Ambrose, Marshall French, Michael Hanson, Hildreth, Lawton, Marsh, James Murray, Nighswander, Sabbow and Sanders.

CARROLL: Claflin, Found, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Hogan, Krause, Lynch, Matson, Parker, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatisis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Cornelius, Dearborn, Duhaime, Gemmill, Hough, Lamott, Logan, Mann, Pepitone, Rounds, Snell, Taylor, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Ahern, Baker, Barrett, Bednar, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Brody, Burke, Mark Connolly, Margaret Cote, Coutermarsh, Cullity, L. Penny Dion, Dreniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinas, Sal Grasso, Daniel Healy, Howard Humphrey, Karnis, Keefe, LaChance, Lamy, LaPlante,

Armand Lemire, Lyons, Marcoux, Martin, McDonough, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Kerry O'Connor, Timothy O'Connor, O'Neil, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Polak, Quigley, Simard, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Kevin Sullivan, Francis Sullivan, Sweeney, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Robert Wheeler, James White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, Carroll, Milton Cate, Chandler, Eugene Daniell, Foley, Camache, Richard Hanson, Hess, James Humphrey, Kidder, McLane, McNichol, Mullin, Packard, Pelton, Plourde, Pratt, Ralph, Rice, Doris Riley, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blanchette, William Boucher, Carpenito, Connors, Cunningham, Cutcliffe, Davis, Dunfey, Felch, Flanagan, Grieco, Hartford, Hoar, King, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Norton, Parr, Pucci, Quimby, Rossley, Scamman, Schwaner, Alfreda Smith, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wolfsen and Zabarsky.

STRAFFORD: Belhumeur, Canney, Walter Desmarais, Donnelly, Hebert, Joncas, Joos, Maglaras, Maloomian, Morrisette, Nadeau, Rod O'Connor, Osgood, Ruel and Allen Wilson.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Ingram, LeBrun, Lewko, Palmer, Scott, Tucker and George Wiggins, and the motion lost.

HB 108 was ordered to third reading.

Rep. Pappas wished to be recorded in favor of HB 108.

Rep. Beverly Gage wished to be recorded against the Sanborn motion.

Rep. McAvoy notified the clerk that she inadvertently voted yea, and wished to vote nay.

Rep. Poulin notified the clerk that he inadvertently voted nay, and wished to vote yea.

HB 161, permitting licensees to promote the sale of alcoholic beverages at reduced prices. Inexpedient to Legislate. Rep. Cunningham for Regulated Revenues.

The Committee felt that enactment of this bill into law would make it lawful for licensees to promote and advertise "Happy Hours" which are really nothing more than a special hour or two provided by a licensee to lure patrons into his establishment by offering alcoholic beverages at cutrate prices, thereby encouraging the over consumption of alcohol during a brief period of time and places such a practice in direct conflict with

public policy as it relates to alcohol safety action programs.

Reps. Blanchette, Marshall French and James Murray questioned Rep. Lawton.

Rep. M. Arnold Wight spoke against the Committee report.

Rep. James Murray spoke and yielded to Rep. Blanchette.

Rep. Blanchette moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate.

Rep. James Murray spoke in favor of the motion.

Rep. Cunningham spoke against the motion.

Reps. Lyons, Bridges and Lawton spoke against the motion.

Rep. Blanchette spoke in favor of her motion.

Rep. Close moved that HB 161 be recommitted to the Committee on Regulated Revenues and spoke to his motion.

The previous question was moved. Sufficiently seconded. Adopted.

On a voice vote on the motion to recommit, the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 233 NAYS 116

YEAS 233

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Michael Hanson, Mansfield, Marsh, James Murray, Nighswander, Sabbow and Sanders.

CARROLL: Raymond Conley, Dickinson, Found, Howard, Keller and Kenneth Smith.

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Parker, Proctor, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Patenaude, Poulin, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, Chambers, Copenhaver, Cornelius, Dearborn, Gemmill, Hough, McAvoy, Neil McIver, Taffe, Taylor, Glyneta Thomson and Michael Woodward.

HILLSBOROUGH: Ahern, Aubut, Baker, Barrett, Albert Bellemore, Brack, Brody, Mark Connolly, Corser, Margaret Cote, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Nancy Gagnon, Gelinas, Girolimon, Sal Grasso, Cort Hansen, Head, Heald, Thomas Hynes, Kaklamanos, Keefe, Knight, LaChance, LaFleur, LaPlante, Levesque, Marcoux, Martin, McDonough, McGlynn, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Normand, Kerry O'Connor, O'Neil, Pappas, Arnold Perkins, Peters, Plomaritis, Quigley, Record, Henry Richardson, Edward Smith, Leonard Smith, Soucy, Spirou,

Stahl, Kevin Sullivan, Van Loan, Wallin, Geraldine Watson, Welch, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Chandler, Foley Richard Hanson, Hess, Polly Johnson, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Ralph, Rice, Doris Riley, Gerald Smith, Stefanides, Stockman, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Barka, Benton, Bisbee, Blake, Blanchette, William Boucher, Carpenito, Collins, Connors, Cotton, Cummings, Cutliffe, Robert Day, Dunfey, Flanagan, Carl Gage, Ganley, Goff, Greene, Grieco, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Parolise, Pucci, Quimby, Richards, Rossley, Schwaner, Skinner, Alfreda Smith, Splaine, Stratton, Vlack, Webster, Helen Wilson and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Bruce French, Charles Grassie, James Herchek, Joncas, Joos, Kelly, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Sackett, Donald Smith, Torrey, Voll and Shirley White.

SULLIVAN: Gray, Lewko, Sara Townsend and Tucker.

NAYS 116

BELKNAP: Marshall French, Lawton, Morin and Kenneth Randall.

CARROLL: Claflin, Kenneth MacDonald and Towle.

CHESHIRE: Anne Gordon, Irvin Gordon, Elmer Johnson and Moore.

COOS: Huggins, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: George Cate, Clark, Crory, Duhaime, Logan, Mann, Pepitone, Rounds, Snell and Madeline Townsend.

HILLSBOROUGH: Bednar, Belanger, Bernier, Emile Boisvert, Bosse, Roland Boucher, Bridges, Burke, Carswell, Coburn, Joseph Cote, Coughlin, Cullity, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Daniel Healy, Howard Humphrey, Karnis, Lamy, Armand Lemire, Lyons, Timothy O'Connor, Paradis, Pelletier, Polak, Simard, Sing, St. George, Stylianos, Francis Sullivan, Sweeney, Harold Thomson, Wallace, Emma Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, Milton Cate, Eugene Daniell, Gamache, James Humphrey, Rich, Shepard, Tarr, Doris Thompson and Waters.

ROCKINGHAM: Akerman, Campbell, Cunningham, Davis, Erler, Felch, Beverly Gage, Gaskill, Gould, Nelson, Norton, Parr, Anthony Randall, Rogers, Sanborn, Stimmell, Tavitian, Wolfsen and Zabarsky.

STRAFFORD: Donnelly, Hebert, Dianne Herchek, Kincaid, Dennis Ramsey, Ruel, Schreiber, Tripp and Valley.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Ingram, LeBrun, Scott and George Wiggins, and HB 161 was recommitted to the Committee on Regulated Revenues.

HB 130, relative to railroad warning signs on the state highway system. Ought to Pass with Amendment. Rep. James Murray for Transportation.

This bill is a housekeeping measure requested by the Department of Public Works and Highways. It clarifies and organizes jurisdiction over signs warning of upcoming railroad crossings. The responsibility is shifted from the towns exclusively to the governmental authority responsible for maintaining the highway or road on which a railroad crossing is situated.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Repeal. RSA 373:12 relative to design and location of railroad warning signs is hereby repealed.

Amendment adopted.

Ordered to third reading.

#### SENATE MESSAGE

##### INTRODUCTION OF SENATE BILLS

First, second reading and referral  
SB 86, making an appropriation to the water resources board for Winnisquam Lake dam. (To Appropriations)

SB 28, establishing the Lamson Farm Commission in Mont Vernon. (To Municipal and County Government)

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 346 through 376 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

##### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 346, crediting the bureau of off highway recreational vehicles with a percentage of state gasoline road tolls. (French of Belknap Dist. 1; Stimmell of Rockingham Dist. 1; Dickinson of Carroll Dist. 2; Sen. Lamontagne of Dist. 1, for Bureau of Off Highway Recreational Vehicles - To Resources, Recreation and Development)

HB 347, relative to the maximum time period for the amortization of loans. (Burns of Coos Dist. 4; Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 348, relative to the eligibility of jurors to serve again. (O'Connor of Hillsborough Dist. 33 - To Judiciary)

HB 349, eliminating an obsolete term in the statutes regarding motor vehicles. (Akerman of Rockingham Dist. 12 - To Transportation)

HB 350, to provide for economic impact statements for certain proposed rules, regulations, acts or projects which require an environmental impact statement. (Dickinson of Carroll Dist. 2; Lessard of Strafford Dist. 20; Martin of Hillsborough Dist. 10 - To Environment and Agriculture)

HB 351, relative to landlord and tenant relations. (Blanchette of Rockingham Dist. 14 - To Statutory Revision)

HB 352, relative to the recording of agreements resolving boundary disputes in those registries recording on microfilm. (Niebling of Rockingham Dist. 13 - To Municipal and County Government)

HB 353, changing the town charter of Hanover to make sewer rentals the only method of payment for sewage disposal expense. (Crory of Grafton Dist. 13; Chambers of Grafton Dist. 13; Copenhaver of Grafton Dist. 13; Cornelius of Grafton Dist. 13 - To Municipal and County Government)

HB 354, changing the deadline for submission of the budget for Coos county. (Huggins of Coos Dist. 1; Fortier of Coos Dist. 1 - To Municipal and County Government)

HB 355, regulating health maintenance organizations. (Carrier of Hillsborough Dist. 15; Colson of Hillsborough Dist. 12 - To Commerce and Consumer Affairs)

HB 356, to reclassify certain sections of highways in the town of Merrimack; to provide town authorization to appropriate town funds for their improvement, and for the construction of a new interchange and collector roadways on the central New Hampshire turnpike in the town of Merrimack and the relocation of the toll plaza and making an appropriation therefor. (Carswell of Hillsborough Dist. 13; Gagnon of Hillsborough Dist. 13; Granger of Hillsborough Dist. 13; Lyons of Hillsborough Dist. 13; Watson of Hillsborough Dist. 13, for Department of Public Works and Highways - To Public Works)

HB 357, permitting appropriations for nonprofit organizations operating day care centers. (French of Belknap Dist. 1; Gage of Rockingham Dist. 5 - To Municipal and County Government)

HB 358, providing for payment of a claim to the United States Fidelity and Guaranty Company and making an appropriation therefor. (Alter of Hillsborough Dist. 16 - To Claims, Military and Veterans Affairs)



HB 359, permitting any person 16 years of age or over to be prosecuted as an adult for a violation of any fishing law. (Scott of Sullivan Dist. 6; Polak of Hillsborough Dist. 14 - To Fish and Game)

HB 360, relative to the training of hunting dogs. (Pratt of Merrimack Dist. 21 - To Fish and Game)

HB 361, relative to the penalty provisions for violations of statutes and rules pertaining to aeronautics. (Sanborn of Rockingham Dist. 9, for Aeronautics Commission - To Transportation)

HB 362, authorizing the use of highway funds for the functional replacement of land and improvements required for highway purposes. (Coburn of Hillsborough Dist. 11, for Department of Public Works and Highways - To Public Works)

HB 363, relative to the notices required for the layout of class I and II highways. (Fortier of Coos Dist. 6; Coburn of Hillsborough Dist. 11, for Department of Public Works and Highways - To Public Works)

HB 364, establishing a medical advisory board in the division of motor vehicles, department of safety and making an appropriation therefor. (Tarr of Merrimack Dist. 17, for Department of Safety - To Transportation)

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor. (Hoar of Rockingham Dist. 8; Dickinson of Carroll Dist. 2; Sen. Jacobson of Dist. 7 - To Resources, Recreation and Development)

HB 366, requiring results of second reading votes be included as part of questions proposing constitutional amendments. (Eaton of Hillsborough Dist. 1 - To Constitutional Revision)

HB 367, relative to filing requirements and late payment penalties of the business profits tax. (Bednar of Hillsborough Dist. 14; French of Belknap Dist. 1, for Department of Revenue Administration - To Ways and Means)

HB 368, relative to the business profits tax deduction for personal services. (Wiggins of Sullivan Dist. 8 - To Ways and Means)

HB 369, extending certain capital appropriations. (Tarr of Merrimack Dist. 17 - To Public Works)

HB 370, relative to salaries of full-time justices of district courts. (Healy of Hillsborough Dist. 29 - To Judiciary)

HB 371, relative to the use of highway relocation funds. (Coburn of Hillsborough Dist. 11 - To Public Works)

HB 372, relative to authority of Franklin Pierce College to confer degrees. (Shapiro of Merrimack Dist. 20 - To Education)

HB 373, relative to state maintenance of the road leading to the Bedell covered bridge. (LaMott of Grafton Dist. 6; Mann of Grafton Dist. 6 - To Public Works)

HB 374, increasing certification fees for psychologists and removing the requirement of citizenship. (Crory of Grafton Dist. 13 - To Health and Welfare)

HB 375, relative to the merger of the American College of Life Underwriters with the American College. (Shapiro of Merrimack Dist. 20 - To Commerce and Consumer Affairs)

HB 376, establishing special purpose licensing provisions under the electrician's codes. (Riley of Hillsborough Dist. 26 - To Commerce and Consumer Affairs)

#### ENROLLED BILLS REPORT

HB 33, repealing the statute relevant to reinstatement of World War II veterans' licenses.

Rep. Bridges  
For The Committee

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns, it be to meet, Tuesday February 22.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 31, repealing restrictions on certain expenditures relative to Pease Air Force Base.

HB 104, providing for the disposal of certain fish, game, fur-bearing animals and marine species.

HB 143, requiring a permit and fee for a commercial fishing tournament or contest.

HB 136, providing for a 3-day nonresident small game hunting license.

HB 133, prohibiting self-sustaining departments of municipal government from exceeding appropriations voted for their departments without complying with the provisions of RSA 32:10-a.

HB 152, relative to annual property inventory forms.

HB 108, permitting the liquor commission to issue a special license to certain bowling centers to serve liquor and beverages.

HB 130, relative to railroad warning signs on the state highway system.

345 members were recorded as present.

#### ABSENT

Members not answering the attendance call, not granted leave of absence or not excused:

Reps. Shapiro, Mabel Richardson, Oleson, Arnold, Donnelly, DeCesare, Ward, Zabarsky, Ramsay, Fillback, Clancy, Alter, Goyette, William Desmarais, Keller, Bridges, Mann, Cummings, Lucas, Ainley, Sara Townsend, Flanagan, Wilfrid Boisvert, Peters, Sackett, Currier, Colson,

Patenaude, Plomaritis, Kevin Sullivan, Francis Sullivan, Scamman, LaMott, Ellis, King and Madigan.

# RECESS

(Speaker in the chair)

Rep. Raymond Conley offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 377 through 392 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 377, relative to state aid for area vocational students. (Taffe of Grafton Dist. 5, for Department of Education - To Education)

HB 378, to reclassify a certain highway in the city of Laconia. (Murray of Belknap Dist. 5 - To Public Works)

HB 379, regulating recreational campgrounds. (Claflin of Carroll Dist. 4 - To Resources, Recreation and Development)

HB 380, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund. (Claflin of Carroll Dist. 4 - To Resources, Recreation and Development)

HB 381, relative to the unfair sales act. (Wallin of Hillsborough Dist. 16; Connolly of Hillsborough Dist. 9; Lucas of Sullivan Dist. 6; Carpenito of Rockingham Dist. 5; Hansen of Belknap Dist. 5; Aller of Rockingham Dist. 13; Roberts of Belknap Dist. 4 - To Judiciary)

HB 382, relative to the jurisdiction of district courts in criminal matters. (Mansfield of Belknap Dist. 2 - To Judiciary)

HB 383, authorizing certain judicial discretion in sentencing for violations and misdemeanors. (Humphrey of Merrimack Dist. 11; Johnson of Merrimack Dist. 15 - To Judiciary)

HB 384, to reclassify a certain section of highway in the town of North Hampton. (Scamman of Rockingham Dist. 15; Chapman of Rockingham Dist. 15; Wolfson of Rockingham Dist. 15 - To Public Works)

HB 385, annexing the unincorporated place of Livermore to the towns of Waterville Valley, Lincoln and Bethlehem. (Clark of Grafton Dist. 5; Sen. Smith of Dist. 3 - To Municipal and County Government)

HB 386, relative to liens on vessels, boats, and vessel or boat motors. (Murray of Belknap Dist. 5 - To Judiciary)

HB 387, establishing the police standards and training council training fund to consist of penalty assessments imposed in certain criminal cases.

(Shapiro of Merrimack Dist. 20; Sen. Monier of Dist. 9; Sen. McLaughlin of Dist. 13; Sen. Bergeron of Dist. 6 - To Judiciary)

HB 388, relative to the monthly rate for the care, treatment, maintenance and training of any resident of the Laconia state school and training center. (Nemzoff-Berman of Hillsborough Dist. 18; Krause of Cheshire Dist. 8; Ganley of Rockingham Dist. 13, for Department of Health and Welfare - To State Institutions)

HB 389, to reimburse Earla K. Williams for educational expenses incurred during an educational leave from the division of welfare and making an appropriation therefor. (Callahan of Cheshire Dist. 2 - To Claims, Military and Veterans Affairs)

HB 390, relative to the selection of delegates to national presidential nominating conventions. (Shepard of Merrimack Dist. 4; Carswell of Hillsborough Dist. 13; Russell of Cheshire Dist. 13; Day of Hillsborough Dist. 26 - To Statutory Revision)

HB 391, empowering the water resources board to acquire wetlands and establishing a special committee. (Parr of Rockingham Dist. 12; Sen. Foley of Dist. 24 - To Resources, Recreation and Development)

HB 392, prohibiting the dumping or disposal of nuclear waste in New Hampshire. (Burchell of Strafford Dist. 12 - To Science and Technology)

(Speaker in the Chair)

Rep. Marshall French moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 11

*Tuesday, 22 Feb 77*

The House met at 1:00 a.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

We are a people, God, of many moods. Our most destructive mood is the feeling of insecurity. At every turn we attempt to build walls against forces, persons, and situations that we feel to be a threat to our happiness, peace, and existence. The struggle begins at birth and continues until death.

Our vocabulary is filled with words that indicate this insecurity. We speak of defense, safety, insurance, assurance, support, fear, danger, insulation, inoculation, enslavement, rejection, loneliness, and death - just to remind us of a few of such words. In one way or another each of these words indicates some kind of threat to our security.

More money is spent on trying to ward off the enemies of security than to create goodness, express love, discover truth, mete out justice, and make life beautiful. The greatest portion of the taxes we pay to our governments is spent for national security, through military defense. And secure we want to be. We don't want to try to fool You Lord. We want security for ourselves, our children, and our children's children. Yet the way in which we spend our money is a clue to our deepest concerns. Are they Yours? And if they are not can we ever know anything but false security.

Dear God, You who are the Shepherd of the sheep, lead us in the paths of righteousness, for Your names sake, for the only security - mankind's only security - is in the doing of Your will. God help us to know and do Your Will. Amen!

Rep. Valley led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Forsaith Daniels, Bridges, Ramsey, Barrett, Ralph, Karnis and Shea, the day, illness.

Reps. Clancy, Levesque, Crotty, Aeschliman, St. George, Miller, Zabarsky, Barka, Marsh, Chapman, Armand Lemire and Glyneta Thomson, the day, important business.

## INTRODUCTION OF GUESTS

Stephanie Lewis of Dover and Lynda Richards of Greenland, students at Lady Isle School, Portsmouth, guests of Rep. Krasker.

Fellowship of Atkinson Congregational Church, guest of Rep. Flanagan. Mark Brody, son and guest of Rep. Brody. Marcia Jane Gordon, daughter and guest of

Rep. Irvin Gordon. John Collins and grandson of Gilmanton, guests of the Speaker.

## SENATE MESSAGE

### INTRODUCTION OF SENATE BILLS

First, second reading and referral SB 2, permitting optometrists to advertise prices for glasses and contact lenses. (Commerce and Consumer Affairs)

SB 5, permitting licensed establishments and holders of on-sale permits to advertise their prices by the drink or beverage. (Regulated Revenues)

SB 8, providing for the cy pres of cemetery trust funds. (Statutory Revision)

SB 48, forbidding entertainers less than 18 years of age from working in places where liquor or beverage is sold. (Regulated Revenues)

SB 67, increasing the daily salary of a special justice of the district and municipal court. (Judiciary)

SB 65, relative to requiring certain information to be included in correspondence from state agencies. (Executive Departments and Administration)

### SIX-DAY EXTENSIONS GRANTED

HB 88, requiring refunds on soft drink and alcoholic malt beverage containers. (Commerce and Consumer Affairs)

HB 89, relative to the licensing process and license fees for hospitals and medical institutions or facilities. (Health and Welfare)

## COMMITTEE REPORTS

HB 43, relative to the service tax exemptions for real estate taxes. Ought to Pass with Amendment. Rep. Francis B. Sullivan for Claims, Military and Veterans Affairs.

This legislation standardizes the eligible period for the Viet Nam property tax exemption with the period for the Viet Nam bonus, by adding the period July 1, 1958 to August 5, 1964 to the eligible period for the property tax exemption. A very small number of veterans will now be eligible.

Additionally, the legislation replaces the term "other than dishonorable" with "under honorable conditions," which clarifies and tightens the requirements for the property tax exemption.

### Amendment

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

1 Service Exemption. Amend RSA 72:28, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. Every resident of this state who served not less than 90 days in the armed forces of the United States in any of the following wars or armed conflicts, the Spanish War, Philippine Insurrection, Boxer Rebellion, World War I, World War II, Korean Conflict, or Viet Nam Conflict,

as hereinafter defined or who served in the Viet Nam area at any time between July 1, 1958 and August 5, 1964 and earned the Viet Nam service medal or the armed forces expeditionary medal who has been discharged or separated therefrom under honorable conditions or the surviving spouse of such resident, and every resident, or the widow of such resident, whose services were terminated for a service-connected disability, in consideration of such service, shall be exempt each year from taxation upon his or her residential real estate in the amount of \$50 in taxes, and the widow of any such resident who suffered a service-connected death shall be exempt each year from taxation upon her real estate whether residential or not in the amount of \$50 in taxes. If a surviving spouse is not a veteran qualified for any of the foregoing exemptions and the surviving spouse remarries a person who is not a veteran of the wars or armed conflicts cited in this paragraph, the \$50 tax exemption shall be terminated.

2 Effective Date. This act shall take effect April 1, 1977.

Amendment adopted.

Ordered to third reading.

HB 25, eliminating the maximum dollar limit on group life insurance for employees. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

Without limitation life underwriters initially recommended the passage of this bill and would not object to its passage.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the maximum amounts of group life insurance for employees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. Group Life Insurance on Employees; Maximum Eliminated. Amend RSA 408:15, (1) (d) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees.

2 Group Life Insurance on Union Members; Maximum Eliminated. Amend RSA 408:15, (3) (d) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union.

3 Multiple Company or Union Group Life Insurance; Maximum Eliminated. Amend RSA 408:15, (4) (d) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions.

4 Group Life Insurance on Employees of Nonprofit Industrial Associations; Maximum Eliminated. Amend RSA 408:15, (5) (e) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(e) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the members of the association.

5 Group Life Insurance on an Association of Public Employees. Amend RSA 408:15, (7) (d) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(d) The amount of insurance under the policy must be based upon some plan precluding individual selection by the members.

6 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 214, providing a penalty for the false reporting of a motor vehicle accident. Ought to Pass with Amendment. Rep. Joncas for Constitutional Revision.

This bill was requested by the Department of Safety to require the true reporting of a motor vehicle accident. The amendment also covers the false reporting of an alleged accident.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Penalty Provided. Amend RSA 262-A by inserting after section 67-b the following new section:

262-A:67-c False Reporting of Accidents. Except as provided in RSA 262-A:69, a person is guilty of a misdemeanor if he knowingly gives or causes to be given false information to any law enforcement officer or to the director of the division of motor vehicles or his agents concerning a motor vehicle accident or alleged motor vehicle accident.

Amendment adopted.

Ordered to third reading.

HB 111, establishing a local-state educational assessment program and making an appropriation therefor. Inexpedient to Legislate. Rep. Chandler for Education.

This bill will require an annual appropriation of \$119,000.00 to "evaluate the progression of activity



achievement of school children" as well as local expenses of considerable amount. This program has a low priority with the Committee. Yearly appropriations could be expected to escalate. Vote 17-0.

Resolution adopted.

HB 146, relative to the rights of parents and guardians of pupils. Inexpedient to Legislate. Rep. Catherine-Ann Day for Education.

The rights of parents and guardians are more than adequately protected by current federal and state laws, Department of Education regulations, and local voter input into local school board policy. Further, under RSA 193:3a a parent or guardian has the right to apply for a transfer of a child from a class, school, or school district. Federal law (PL 93:380) guarantees the right of the parent to inspect, discuss, or copy the student's records. Further, 189:26 provides that "no book shall be introduced into the public schools calculated to favor any particular religious sect or political party." The Committee felt the costs of tests required in HB 146 would be prohibitive to a school district. The vote in Committee was 16-1. Resolution adopted.

HB 48, repealing the current use assessment law. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

The committee vote was unanimous. The committee acknowledges that there are problems in the application of the current use law, perhaps most particularly in its effect on the tax base of certain thinly populated towns. The problems are such that they can be better dealt with, not by repeal of the law, but through the operations of the Current Use Advisory Board and through careful legislative oversight. The law has been in effect only since 1971; its ramifications have hardly been completely explored. (18 present - vote unanimous 2 absent)

Rep. Joseph Cote moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke to his motion.

Reps. Rogers, Donald Smith and Greene spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)  
YEAS 12 NAYS 324  
YEAS 12

BELKNAP: Nighswander.

CARROLL: None.

CHESHIRE: Daniel Eaton.

COOS: None.

HILLSBOROUGH: Bednar, Joseph Cote, Marcoux, O'Neil, Arnold Perkins and Sing.

MERRIMACK: Bibbo and Chandler.

ROCKINGHAM: Danforth.

STRAFFORD: Shirley White.

SULLIVAN: None.

NAYS 324

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Coyette, Michael Hanson, Lawton, Mansfield, Morin, James Murray, Kenneth Randall and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Dostilio, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsey, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

CRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Cornelius, Crory, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Brody, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Cullity, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Knight, Lachance, LaFleur, LaPlante, Lyons, Martin, Martineau, McGlynn, McLaughlin, Morgan, Fred Murray, Nemzoff-Berman, Kerry O'Connor, Timothy O'Connor, Pappas, Paradis, Pelletier, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Paul Riley, Seamans, Simard, Leonard Smith, Soucy, Spirow, Stahl, Stylianos, Kevin Sullivan, Francis Sullivan, Harold Thomson, Van Loan, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Blakeney, Laurent Boucher, Carroll, John Cate, Eugene Daniell, Foley, Camache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor,

McLane, McNichol, Mullin, Packard, Pelton, Pratt, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Akerman, Aller, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cunningham, Cutcliffe, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Coff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Burrows, Desnoyer, Gray, Ingram, LeBrun, Lewko, Lucas, Palmer, Scott, Sara Townsend and Tucker, and the motion lost.

Resolution adopted.

Reps. Normand and Cooney wished to be recorded against the motion.

Rep. Nighswander notified the Clerk that she inadvertently voted yea and meant to vote nay.

HB 138, defining bodies of water 10 acres or more for the purpose of trapping. Ought to Pass with Amendment. Rep. Wolfesen for Fish and Game.

Clarifies navigable waters while trapping with boat or canoe.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Trapping. Amend RSA 210:11 (supp) as amended by striking out said section and inserting in place thereof the following:

210:11 Setting Traps. No person shall set, arrange, or tend any trap upon any land or from the shores of any waters of which he is not the owner or occupant, except such traps as may be placed under water from a boat or canoe or through the ice on any public body of water as defined in RSA 271:20 or on the following named rivers, Androscoggin, Ammonoosuc, Ashuelot, Bear Camp, Contoocook, Connecticut, Cocheco, Exeter, Lamprey, Mascoma, Merrimack Merrymeeting,

Islinglass, Pemigewasset, Pine, Saco, Soucook, Suncook, Winnepesaukee and their navigable tributaries, until he has secured from the owner or occupant a permit in writing signed by said owner or occupant, and until he shall have filed with the conservation officer in whose district said person is going to trap, a copy thereof, together with a description of the land on which trapping is to be done. Navigable tributary as used in this section shall be defined as those waters from the mouth of said tributary to a point upstream where a person can row a boat or paddle a canoe when the water in the stream is in its ordinary condition. All metal traps shall have the name of the person setting them, either stamped or engraved in a legible and permanent manner on the trap or on a durable tag securely affixed to the metal trap or chain holding said trap. No person shall set or arrange any trap in a public way, cart road, or path, commonly used as a passageway by human beings or domestic animals. No person shall set or arrange any trap in or under any bridge, ditch or drainage system, whether artificial or natural, within the limits of the right of way of any public highway.

2 Redefining Public Waters. Amend RSA 271:20 by striking out in line 2 the word "twenty" and inserting in place thereof the following (10) so that said section as amended shall read as follows:

271:20 Area. All natural bodies of fresh water having an area of 10 acres or more are public waters, and are held in trust by the state for public use; and no corporation or individual shall have or exercise in any such body of water any rights or privileges not common to all citizens of this state.

3 Repeal. RSA 271:21, relative to smaller ponds, is hereby repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 210, making it illegal to take trout less than 6 inches in length. Ought to Pass. Rep. Huggins for Fish and Game.

Committee feels this bill will improve trout fishing. Committee vote 12 - 5. Ordered to third reading.

HB 203, repealing the requirement that all homeowners' insurance policies must contain workmen's compensation coverage. Inexpedient to Legislate. Rep. Skinner for Labor, Human Resources and Rehabilitation.

It is detrimental to repeal the homeowners' insurance coverage for workmen's compensation when the law still requires coverage for casual employees.

This \$3.00 premium is the least expensive coverage to give protection required by law.

Rep. Vlack moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke to his motion.

Reps. Skinner, Richards and Goyette spoke against the motion.

Reps. Coburn, George Wiggins and Eugene Daniell spoke in favor of the motion.

Rep. Spirou moved that HB 203 be indefinitely postponed and spoke to his motion.

Reps. Bednar and George Wiggins spoke against the motion.

Reps. Coutermarsh and Head spoke in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Hough abstained from voting under Rule 16.

(Speaker presiding)  
YEAS 237 NAYS 119  
YEAS 237

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Mansfield, Morin, Nighswander and Kenneth Randall

CARROLL: Dickinson, Found and Kenneth MacDonald.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Faucher, Fillback, Galloway, Irvin Gordon, Krause, Lynch, Moore, Parker, Proctor, Margaret Ramsay, Russell, Slack, Terry and Vrakatitsis.

COOS: Burns, Cooney, Horton, Huggins, Hunt, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, George Cate, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Gemmill, LaMott, Logan, Mann, Neil McIver, Pepitone, Snell, Stomberg, Taylor, Madeline Townsend, Ward and Michael Woodward.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Bosse, Roland Boucher, Brack, Brody, Burke, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, L. Penny Dion, Drenniak, Dupont, Girolimon, Cort Hansen, Head, Kaklamanos, Keefe, LaChance, Lamy, LaPlante, Lyons, Madigan, Marcoux, Martin, McDonough, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nardi, Kerry O'Connor, Timothy O'Connor, O'Neil, Pappas, Pelletier, Podles, Quigley, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallin, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Foley, Richard Hanson, Kidder, Donna MacIvor, McLane, McNichol, Mullin, Pelton, Arthur Perkins, Plourde, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Akerman, Aller, Appel, Benton, Bisbee, Blanchette, Campbell, Carpenito, Collins, Cotton, Cummings, Cunningham, Dunfey, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Grieco, Griffin, Hartford, Hoar, Kane, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, O'Keefe, Parolise, Parr, Pucci, Richards, Rogers, Rossley, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Webster and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, Horrigan, Joncas, Maglaras, Maloomian, Meader, Morrisette, Rod O'Connor, Ruel, Sackett, Schreiber, Donald Smith, Torrey and Allen Wilson.

SULLIVAN: Barrus, Gray, Ingram, Lewko, Lucas, Palmer, Scott and Tucker.

NAYS 119

BELKNAP: Lawton, James Murray and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Howard, Keller and Towle.

CHESHIRE: Anne Gordon, Hogan, Elmer Johnson, Ladd, Marshala, Scranton, Whipple and Terry Wiggin.

COOS: Fortier, Bradley Haynes, George Lemire, Oleson, Mabel Richardson and York.

GRAFTON: Aldrich, Buckman, Clark, Myrl Eaton, McAvoy, Rounds and Taffe.

HILLSBOROUGH: Bednar, Wilfrid Boisvert, Coburn, Colson, Joseph Cote, Arline Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinis, Granger, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Knight, LaFleur, Martineau, Paradis, Arnold Perkins, Peters, Plomaritis, Polak, Record, Henry Richardson, Seamans, Simard, Sing, Francis Sullivan, Wallace, Geraldine Watson, Emma Wheeler and Ziskas.

MERRIMACK: Chandler, Eugene Daniell, Gamache, Hess, James Humphrey, Polly Johnson, LaBonte, Packard, Pratt, Rice, Rich, Doris Thompson, Trachy and Ernest Valliere.

ROCKINGHAM: Blake, William Boucher, Connors, Cutcliffe, Danforth, Davis, Robert Day, Felch, Greene, Kashulines, Norton, Quimby, Anthony Randall, Scamman, Tavitian, Vlack, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Canney, Walter Desmarais, James Herchek, Joos, Kelly, Kincaid, Lefavour, Lessard, Osgood, Preston, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, LeBrun and Sara Townsend, and HB 203 was indefinitely postponed.

Rep. Daniel Healy notified the Clerk that he inadvertently voted nay and wished to vote yea.

HB 46, establishing a special committee to study alternate forms of county government and making an appropriation therefor. Ought to Pass. Rep. Drewniak for Municipal and County Government.

This bill would establish a special committee to study alternate forms of county government and make recommendations on improvements or changes that may be beneficial. Referred to Appropriations.

HB 53, making local zoning ordinances and restrictions applicable to the state and its political subdivisions.

Inexpedient to Legislate. Rep. Callahan for Municipal and County Government.

This bill if passed would cause hardship on state, county and municipal growth by allowing local zoning to block public building and improvements.

Rep. Richard Hanson yielded to questions.

Resolution adopted.

HB 55, providing that the preparation and publication of a list of certain real estate tax assessments shall be determined by the legislative body of any town.

Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

This bill provides for utilization of other methods of posting real estate tax assessments rather than restricting the town to publication. Ordered to third reading.

HB 115, stipulating that any local tax payment made by a check returned for insufficient funds is deemed a non-payment of the tax bill. Ought to Pass with Amendment. Rep. Pepitone for Municipal and County Government.

This bill provides that a bad check will not be considered payment of a tax bill.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

stipulating that any local tax payment made by a check returned by the bank for any reason is deemed a non-payment of the tax bill.

Amend RSA 80:52-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

80:52-b Checks Tendered in Payment of Taxes. If any person tenders a check for the payment of any taxes levied by the tax collector and the check is returned to the tax collector as uncollectible for any reason, such taxes shall be deemed not paid and the person tendering such check shall be subject to applicable tax delinquency penalties, protest and collection charges.

Amendment adopted.

Ordered to third reading.

HB 157, relative to determining the compensation to be allowed the collector of taxes. Ought to Pass. Rep. Mann for Municipal and County Government.

This bill adds a fourth method of determining compensation for tax collectors and leaves the choice of such compensation to the town. Ordered to third reading.

HB 172, permitting the use of electronic data processing equipment in performing certain functions of the tax collector. Ought to Pass with Amendment. Rep. Mann for Municipal and County Government.

This bill would provide authority under the law to post tax receipts by computer which currently must all be done by hand. The amendment offered simply adds the word "automatic" to authorize use of either automatic or electronic data processing equipment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

permitting tax collectors to use automatic or electronic data processing equipment in certain cases.

Amend RSA 41:35, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. A tax collector may use automatic or electronic data processing equipment pursuant to his duty to keep fair and correct tax accounts. The use of such equipment and form of such accounts shall be in accordance with rules which the commissioner of revenue administration shall adopt.

Amendment adopted.

Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Close moved that the rules of the House be so far suspended as to permit HB 249, removing the deputy of any department or agency which receives federal grants-in-aid from the classified state service, to be considered at the present time.



Rep. Marshall French spoke in favor of the motion.

Adopted by the necessary two-thirds.

Rep. Close moved that HB 249, listed on Thursday's calendar, be recommitted to the Committee on Executive Departments and Administration.

Adopted.

#### UNANIMOUS CONSENT

Rep. Elmer Johnson addressed the House by unanimous consent.

Mr. Speaker, Ladies and Gentlemen:

I feel that at this time of the year it would be appropriate that we pause for a few moments to commemorate two of our greatest Americans, George Washington and Abraham Lincoln. This is a general order that General Washington gave to his troops during the Revolutionary War.

"The General is sorry to be informed that the wicked and foolish practice of profane cursing and swearing, a vice heretofore little known in an American army, is rapidly growing into fashion. He hopes that the officers will both by example and influence endeavor to check it; and that both they and the men will reflect that we have but little hope of receiving the blessings of heaven upon our arms if we insult it by impiety and folly. Added to this it is a vice so mean and low without any temptation that every man of sense and character rightly despises it."

We don't often think of Abraham Lincoln as a poet but he was a very fine poet and a great lover of poetry. Here is a rather nostalgic poem he wrote that I think you'll agree with me is a very beautiful poem

My childhood's home I see again,  
And sadden with the view;  
And still, as memory crowds my brain,  
There's pleasure in it too.

O Memory! thou midway world  
'Twixt earth and paradise,  
Where things decayed and loved ones lost  
In dreamy shadows rise,

And, freed from all that's earthly vile,  
Seem hallowed, pure, and bright,  
Like scenes in some enchanted isle  
All bathed in liquid light.

As dusky mountains please the eye  
When twilight chases day;  
As bugle-notes that, passing by,  
In distance die away;

As leaving some grand waterfall,  
We, lingering, list its roar—  
So memory will hallow all  
We've known, but know no more.

Near twenty years have passed away  
Since here I bid farewell  
To woods and fields, and scenes of play,  
And playmates loved so well.

Where many were, but few remain  
Of old familiar things;  
But seeing them, to mind again  
The lost and absent brings.

The friends I left that parting day,  
How changed, as time has sped!  
Young childhood grown, strong manhood gray,  
And half of all are dead.

I hear the loved survivors tell  
How nought from death could save,  
Till every sound appears a knell,  
And every spot a grave.

I range the fields with pensive tread,  
And pace the hollow rooms,  
And feel (companion of the dead)  
I'm living in the tombs.

In my very early teens we had a minister in my hometown of Winchester who was a personal friend of Edwin Markham's and the great poet came to Winchester on many occasions and I heard him read most of his great poems. This is one of his really great poems, it was written in 1900 and it was read by the poet at the dedication of the Lincoln memorial in 1920.

#### Lincoln, the Man of the People

When the Norn Mother saw Whirlwind Hour  
Greatening and darkening as it hurried on  
She left the Heaven of Heroes and came down  
To make a man to meet the mortal need.  
She took the tried clay of the common road—  
Clay warm yet with the genial heat of  
Earth,  
Dashed through it all a strain of prophecy,  
Tempered the heat with thrill of human  
tears,  
Then mixed a laughter with the serious  
stuff.

Into the shape she breathed a flame to  
light  
That tender, tragic, ever-changing face;  
And laid on him a sense of the Mystic  
Powers,  
Moving—all hushed—behind the mortal veil.  
Here was a man to hold against the world,  
A man to match the mountains and the sea.

The color of the ground was in him, the  
red earth,  
The smack and tang of elemental things:  
The rectitude and patience of the cliff,  
The good-will of the rain that loves all  
leaves,  
The friendly welcome of the wayside well,  
The courage of the bird that dares the sea,  
The gladness of the wind that shakes the  
corn,  
The pity of the snow that hides all scars,  
The secrecy of streams that make their way  
Under the mountain to the rifted rock,  
The tolerance and equity of light  
That gives as freely to the shrinking  
flower  
As to the great oak flaring to the wind—  
To the grave's low hill as to the  
Matterhorn  
That shoulders out the sky. Sprung from  
the West,

He drank the valorous youth of a new world.  
The strength of virgin forests braced his  
mind,  
The hush of spacious prairies stilled his  
soul.

His words were oaks in acorns; and his  
thoughts  
Were roots that firmly gripped the granite  
truth.

Up from log cabin to the Capitol,  
One fire was on his spirit, one resolve-  
To send the keen ax to the root of wrong,  
Clearing a free way for the feet of God,  
The eyes of conscience testing every  
stroke,  
To make his deed the measure of a man.  
He built the rail-pipe as he built the  
State,  
Pouring his rugged strength through every  
blow:

The grip that swung the ax in Illinois  
Was on the pen that set a people free.

So came the Captain with the mighty heart;  
And when the judgment thunders split the  
house,  
Wrenching the rafters from their ancient  
rest,  
He held the ridgepole up, and spiked again  
The rafters of the Home. He held his  
place-

Held the long purpose like a growing tree-  
Held on through blame and faltered not at  
praise-  
Towering in calm rough-hewn sublimity.  
And when he fell in whirlwind, he went down  
As when a lordly cedar, green with boughs,  
Goes down with a great shout upon the  
hills,  
And leaves a lonesome place against the  
sky.

Rep. Stratton moved that Rep.  
Johnson's remarks be printed in the  
Journal.  
Adopted.

Rep. Marshall French moved that the  
House now adjourn from the early session,  
that the business of the late session be  
in order at the present time, that the  
reading of bills be by title only and  
resolutions by caption only and that all  
bills ordered to third reading be read a  
third time by this resolution, and that  
all titles of bills be the same as  
adopted, and that they be passed at the  
present time, and when the House adjourns  
today it be to meet Thursday, February 24  
at 1:00 p.m.  
Adopted.

#### LATE SESSION

Third reading and final passage

HB 43, relative to the service tax  
exemptions for real estate taxes.

HB 25, relative to the maximum amounts  
of group life insurance for employees.

HB 214, providing a penalty for the  
false reporting of a motor vehicle  
accident.

HB 138, defining bodies of water 10  
acres or more for the purpose of trapping.  
HB 210, making it illegal to take  
trout less than 6 inches in length.

HB 55, providing that the preparation  
and publication of a list of certain real  
estate tax assessments shall be determined  
by the legislative body of any town.

HB 115, stipulating that any local tax  
payment made by a check returned by the  
bank for any reason is deemed a  
non-payment of the tax bill.

HB 157, relative to determining the  
compensation to be allowed the collector  
of taxes.

HB 172, permitting tax collectors to  
use automatic or electronic data  
processing equipment in certain cases.

368 members were recorded as present.

#### ABSENT

Members not answering the attendance  
call, not granted leave of absence or not  
excused: Reps. Shapiro, Frizzell,  
DeCesare, McAvoy, Alter, William  
Desmarais, Keough, Currier, George Healy  
and Ellis.

Reps. Marshall French and Coutermarsh  
moved that the House recess.

Adopted.

#### RECESS

The Subcommittee on Resolutions and  
Screening having approved its admittance,  
Reps. Neila Woodward, Hunt and Burns  
offered the following:

#### RESOLUTION

on the death of  
Walter O. Bushey

WHEREAS, we have learned with sorrow  
of the death of Walter O. Bushey, of  
Northumberland, and

WHEREAS, Mr. Bushey served diligently  
as a member of the House of  
Representatives for ten terms, and

WHEREAS, he served his community  
faithfully and with efficiency, now  
therefore be it

RESOLVED, that the members of the  
House of Representatives do hereby extend  
our sympathy to his family, and be it  
further

RESOLVED, that a copy of these  
resolutions be transmitted to his family.

Adopted by a rising vote and a minute  
of silent prayer.

Rep. Marshall French moved that the  
House adjourn.

Adopted.

# HOUSE JOURNAL 12

Thursday, 24 Feb77

The House met at 1:00 o'clock.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

"The Lord is the Spirit who gives life, and where He is there is freedom." -(II Cor. 3:17 - New Living Bible)

Freedom - what a precious word that is - a moment of reality - a dream that causes us to strive beyond our strength. O Lord remind us that You have taught us that Your Word brings forth Your Truth and Your Truth brings perfect Freedom. Surely we must understand then, that if we would be Free we must know Your Truth and if we are to know Your Truth we must search your Word in faith. Dear Father, lead us this day, with such a faith, upon the pathways of our responsibility. So help us God. Amen!

Rep. Bellerose led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Frizzell, Forsaith Daniels, Shea, Bridges, Brody, Karnis, Barrett, Ralph, D'Amante and William Desmarais, the day, illness.

Reps. Clancy, Glyneta Thomson, Crotty, St. George, Flanagan, Sackett, Bellemore, Van Loan, Lynch, Copenhaver, Cutcliffe, Paul Riley, Margaret Ramsay, Marsh, Helen Wilson and Willey, the day, important business.

## INTRODUCTION OF GUESTS

Peter Parker of Munsonville, son and guest of Rep. Parker; Michelle Dodier of Rollinsford, granddaughter and guest of Rep. Donnelly; Steve Maheras and Mark Hodgdon of Portsmouth, students at Portsmouth High School, guests of Rep. Splaine; Wendy and Gretchen Appel of Rye, daughters and guests of Rep. Appel; Kathleen Coleman of West Hartford, Connecticut, guest of Rep. Appel; Barbara Sutherland, head nurse at Great Bay Training Center, Newington, guest of Reps. Kincaid, Belhumeur and Maglaras; Z. Zachary Ziakas, son and guest of Rep. Ziakas; Morrill Beckman, David Wilkins, Robie Beckman, Emery Davis and Arthur Wickland, guests of Rep. Felch; Michael Morse, guest of Rep. Irvin Gordon; Denise Proctor, daughter and guest of Rep. Proctor; Jim Moore, guest of Rep. Moore; Mrs. Edith Holland, Register of Deeds, Rockingham County, guest of Rep. William Boucher; William O'Donahue of Boston College, student, political science major studying New Hampshire Legislature, guest of Rep. Carpenito.

The Speaker introduced the legislative interns: Mary Wilson, Ways and Means; Gaye D. Wagner, Municipal and County Government and Claims, Military and Veterans Affairs;

Judith Webster, Resources, Recreation and Development; John Affleck, Labor, Human Resources and Rehabilitation; Megan Garbaczski, Constitutional Revision; Tracey Holloway, Health and Welfare; Susan Akerley, Commerce and Consumer Affairs; Charles S. Dennehy, Transportation; Richard A. Mori, Regulated Revenues; Martha Holland, Environment and Agriculture; Frederick C. Paine, Public Works; Henry Robinson-Duff, State Institutions and Judiciary; Ilene S. Megdell, Education; Kevin Kelly, Executive Departments and Administration; Robert Willette, Fish and Game; Paul Lovejoy, Statutory Revision.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 393 through 459 and HJR 1 and HJR 2 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS AND HJRS

First, second reading and referral  
HB 393, relative to the penalty for throwing litter from any motor vehicle, boat or airplane. (Paradis of Hillsborough Dist. 8; French of Strafford Dist. 21 - To Environment and Agriculture)

HB 394, relative to the use of funds of credit unions. (McGlynn of Hillsborough Dist. 21 - To Commerce and Consumer Affairs)

HB 395, relative to retirement accounts for credit unions. (McGlynn of Hillsborough Dist. 21 - To Commerce and Consumer Affairs)

HB 396, relative to advertising by public utilities. (Sing of Hillsborough Dist. 23 - To Commerce and Consumer Affairs)

HB 397, relative to automobile driving instruction. (Maglaras of Strafford Dist. 17; Ramsay of Strafford Dist. 13 - To Transportation)

HB 398, imposing fines on zoning violators. (Quimby of Rockingham Dist. 4 - To Municipal and County Government)

HB 399, relative to the definition of chiropractors. (Burns of Coos Dist. 4 - To Health and Welfare)

HB 400, relative to the place and time of detention of arrestees. (Healy of Hillsborough Dist. 29 - To Judiciary)

HB 401, temporarily prohibiting the hunting and taking of antlerless deer except by special permit and establishing a split deer hunting season. (Wiggins of Sullivan Dist. 8 - To Fish and Game)

HB 402, pertaining to the use of off-duty state police in emergencies. (Polak of Hillsborough Dist. 14, for Department of Safety - To Executive Departments and Administration)

HB 403, providing a penalty for the disposal of nuclear waste in New



Hampshire. (Maynard of Rockingham Dist. 18; Parr of Rockingham Dist. 12;

Copenhaver of Grafton Dist. 13; Haynes of Coos Dist. 1 - To Science and Technology)

HB 404, relative to the definition of chiropractors. (Spaulding of Sullivan Dist. 4; Sen. Saggiotes of Dist. 8 - To Health and Welfare)

HB 405, relative to the effect of the practice of chiropractic. (Spaulding of Sullivan Dist. 4 - To Health and Welfare)

HB 406, authorizing license and permit for restaurants in Landaff. (Cate of Grafton Dist. 2 - To Regulated Revenues)

HB 407, relative to notice of state officers of actions against the state. (Johnson of Merrimack Dist. 15, for Office of Attorney General - To Judiciary)

HB 408, authorizing savings banks to lend investment securities. (Burns of Coos Dist. 4 - To Commerce and Consumer Affairs)

HB 409, changing the name of RSA 483-A and specifying that certain penalties relative to state waters apply to all violators. (Parr of Rockingham Dist. 12 - To Resources, Recreation and Development)

HB 410, relative to the competency of persons applying for a hunting license for the first time and making an appropriation therefor. (Connolly of Hillsborough Dist. 9; Hanson of Belknap Dist. 5 - To Fish and Game)

HB 411, relative to the regulation of security deposit retention by landlords. (J. Herchek of Strafford Dist. 16 - To Statutory Revision)

HB 412, relative to just compensation for land owners upon the removal of advertising devices. (Coburn of Hillsborough Dist. 11 - To Judiciary)

HB 413, establishing a standard for high school graduates. (Daniell of Merrimack Dist. 13 - To Education)

HB 414, relative to the discharge of effluents from boats. (Plourde of Merrimack Dist. 7 - To Resources, Recreation and Development)

HB 415, relative to penalties if found intoxicated while hunting and relative to implied consent. (Connolly of Hillsborough Dist. 9; Hanson of Belknap Dist. 5 - To Fish and Game)

HB 416, appropriating moneys for dues and expenses for the education commission of the states. (Bosse of Hillsborough Dist. 1, for Department of Education - To Education)

HB 417, relative to obtaining a peddlers license. (Collins of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 418, relative to refunds of tobacco taxes. (Parr of Rockingham Dist. 12; Sen. Rock of Dist. 12; Smith of Carroll Dist. 3 - To Regulated Revenues)

HB 419, specifying procedures for the sale and fitting of hearing aids and requiring the registration of hearing aid dealers. (Townsend of Sullivan Dist. 1; Carswell of Hillsborough Dist. 13; Cornelius of Grafton Dist. 13; Cote of Hillsborough Dist. 19; Sen. Blaisdell of Dist. 10; Sen. Monier of Dist. 9; LaPlante of Hillsborough Dist. 35, for Department

of Health and Welfare - To Commerce and Consumer Affairs)

HB 420, relative to tax exemptions for the elderly. (Blake of Rockingham Dist. 8 - To Ways and Means)

HB 421, relative to the distribution of municipal and district court monies. (Benton of Rockingham Dist. 2; Randall of Rockingham Dist. 11; Plourde of Merrimack Dist. 7; Sen. Smith of Dist. 3; Sen. Trowbridge of Dist. 11 - To Judiciary)

HB 422, relative to the time period in which to accept an offer on condemnation of property proceedings. (Aller of Rockingham Dist. 13; Cornelius of Grafton Dist. 13, for Department of Public Works and Highways - To Judiciary)

HB 423, relative to penalties for filing a late return under the business profits tax. (Murray of Belknap Dist. 5 - To Ways and Means)

HB 424, changing the title of the fish and game department to the department of fish and wildlife and effecting a similar change for the fish and game commission. (Stimmell of Rockingham Dist. 1; Sabbow of Belknap Dist. 6, for Department of Fish and Game - To Fish and Game)

HB 425, making a special appropriation for moving the department of safety from the John O. Morton building and other locations to the James H. Hayes safety building. (Ellis of Rockingham Dist. 16 - To Public Works)

HB 426, revising the state tax on dog racing. (Parr of Rockingham Dist. 12; Wallin of Hillsborough Dist. 16; Coutermarsh of Hillsborough Dist. 24; Donnelly of Strafford Dist. 17; Boisvert of Hillsborough Dist. 22 - To Regulated Revenues)

HB 427, revising the law relative to lobbyists. (Hess of Merrimack Dist. 6; Close of Cheshire Dist. 15; Benton of Rockingham Dist. 2; Carswell of Hillsborough Dist. 13; Chambers of Grafton Dist. 13; Taylor of Grafton Dist. 9; Head of Hillsborough Dist. 10; Currier of Hillsborough Dist. 15; French of Belknap Dist. 1; Sen. Bossie of Dist. 20; Sen. Jacobson of Dist. 7; Gemmill of Grafton Dist. 10; Conley of Carroll Dist. 3 - To Legislative Administration)

HB 428, requiring enclosed malls to provide public rest rooms. (Grassie of Strafford Dist. 12; O'Keefe of Rockingham Dist. 21; Splaine of Rockingham Dist. 19; Normand of Hillsborough Dist. 36; Wilson of Strafford Dist. 11; Ramsey of Strafford Dist. 13; Rossley of Rockingham Dist. 23 - To Health and Welfare)

HB 429, relative to highway markings. (Wallace of Hillsborough Dist. 22, for Department of Safety - To Transportation)

HB 430, authorizing dealers to issue temporary plates for 20 days. (Wallace of Hillsborough Dist. 22 - To Transportation)

HB 431, increasing the salaries of the operating staff of the university system and making an appropriation therefor. (Blanchette of Rockingham Dist. 14; Russell of Cheshire Dist. 13; Chambers of Grafton Dist. 13 - To Education)



HB 432, making an appropriation to continue the Coho Salmon program until fiscal 1980. (Stimmell of Rockingham Dist. 1; Sen. Blaisdell of Dist. 10 - To Fish and Game)

HB 433, to create and provide police powers for a New Hampshire hospital security force. (Griffin of Rockingham Dist. 19; Wojnowski of Rockingham Dist. 14, for Department of Health and Welfare - To State Institutions)

HB 434, relative to certification of shared homes for adults. (O'Connor of Strafford Dist. 18, for Department of Health and Welfare - To Health and Welfare)

HB 435, lowering the age at which the minimum hourly wage applies. (Oleson of Coos Dist. 5; O'Connor of Strafford Dist. 18 - To Labor, Human Resources and Rehabilitation)

HB 436, revising the tax on harness horse racing. (Parr of Rockingham Dist. 12; Wallin of Hillsborough Dist. 16; Coutermarsh of Hillsborough Dist. 24; Donnelly of Strafford Dist. 17; Boisvert of Hillsborough Dist. 22 - To Regulated Revenues)

HB 437, removing the requirement that assistants and employees of the state racing commission be paid on a per diem basis. (Parr of Rockingham Dist. 12; Wallin of Hillsborough Dist. 16; Coutermarsh of Hillsborough Dist. 24; Donnelly of Strafford Dist. 17 - To Executive Departments and Administration)

HB 438, adding the radio dispatcher of fish and game to group II of the New Hampshire retirement system. (Scott of Sullivan Dist. 6 - To Executive Departments and Administration)

HB 439, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage in public waters and making an appropriation therefor. (LaMott of Grafton Dist. 6 - To Resources, Recreation and Development)

HB 440, forbidding the carrying of firearms on OHRV's. (Blakeney of Merrimack Dist. 17 - To Transportation)

HB 441, relative to changing the season on otter, mink and muskrat. (Cate of Merrimack Dist. 14 - To Fish and Game)

HB 442, relative to the commission and tax on running and harness horse races. (Parolise of Rockingham Dist. 5; Gage of Rockingham Dist. 5; Faucher of Cheshire Dist. 3; Benton of Rockingham Dist. 2; Cooney of Coos Dist. 8; Grieco of Rockingham Dist. 5; Collins of Rockingham Dist. 5; Laycock of Rockingham Dist. 5; Smith of Rockingham Dist. 5; Pucci of Rockingham Dist. 5; Campbell of Rockingham Dist. 5 - To Regulated Revenues)

HB 443, relative to the liability of the attorney general and treasurer on debt claims against the state. (Tarr of Merrimack Dist. 17, for the Department of Treasury and the Office of Attorney General - To Executive Departments and Administration)

HB 444, relative to the powers of the city council of Dover; providing for council confirmation of all appointments made by the city manager, and providing for removal from office by the council. (Donnelly of Strafford Dist. 17 - To Municipal and County Government)

HB 445, relative to the penalty of a non-resident salt water fishing without a license. (Maynard of Rockingham Dist. 18, for Department of Fish and Game - To Fish and Game)

HB 446, relative to appeals from decisions of the racing commission and the greyhound racing commission. (Martin of Hillsborough Dist. 10 - To Regulated Revenues)

HB 447, providing for payment of a claim to Richard Newsky and making an appropriation therefor. (Maglaras of Strafford Dist. 17 - To Claims, Military and Veterans Affairs)

HB 448, relative to retirement benefits for judicial referees. (Townsend of Sullivan Dist. 1, for the Office of Attorney General - To Executive Departments and Administration)

HB 449, excluding a person from a penalty who is present or in the company of a person with a cannabis-type controlled drug. (Poulin of Coos Dist. 9 - To Judiciary)

HB 450, clarifying registration requirements for senior technicians as alarm installers. (McLaughlin of Hillsborough Dist. 16 - To Commerce and Consumer Affairs)

HB 451, relative to the authority of the commissioner of revenue administration to collect the business profits tax. (Randall of Belknap Dist. 3 - To Ways and Means)

HB 452, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. (White of Hillsborough Dist. 27; O'Connor of Hillsborough Dist. 33 - To Regulated Revenues)

HB 453, relative to serial notes issued by the town of Bedford. (Van Loan of Hillsborough Dist. 9; Peters of Hillsborough Dist. 9; Connolly of Hillsborough Dist. 9 - To Municipal and County Government)

HB 454, relative to the appointment of a health officer for a town. (Bednar of Hillsborough Dist. 14; Polak of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3 - To Municipal and County Government)

HB 455, providing for a special license plate for a person with a walking disability. (Soucy of Hillsborough Dist. 32 - To Transportation)

HB 456, providing for the preparation of an election procedure manual and making an appropriation therefor. (Ambrose of Belknap Dist. 1; Lucas of Sullivan Dist. 6; Normand of Hillsborough Dist. 36; Richardson of Coos Dist. 4; Simard of Hillsborough Dist. 29; Kincaid of Strafford Dist. 18 - To Statutory Revision)

HB 457, redefining the term "motor truck" in the motor vehicle laws. (Waters of Merrimack Dist. 9, for the Department of Safety - To Transportation)

HB 458, making county jail and house of correction employees members of group II of the New Hampshire retirement system. (Mansfield of Belknap Dist. 2; O'Connor of Strafford Dist. 18 - To Executive Departments and Administration)

HB 459, relative to septic tank information for property buyers. (Gagnon of Hillsborough Dist. 13 - To Resources, Recreation and Development)

HJR 1, directing the United States Congress to call a constitutional convention for the purpose of proposing an amendment to the constitution of the United States relative to the protection of the right to live. (Chandler of Merrimack Dist. 3 - To Constitutional Revision)

HJR 2, to provide for the application by the State of New Hampshire to the Congress of the United States for the calling of a convention for proposing an amendment to the Constitution of the United States. (Chandler of Merrimack Dist. 3 - To Constitutional Revision)

#### SIX-DAY EXTENSIONS GRANTED

CACR 6, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 90 legislative days during the biennium. (Constitutional Revision)

CACR 7, relating to restrictions on highway fund expenditures. Providing that highway revenues may be used for all transportation systems. (Constitutional Revision)

#### NOTICE OF RECONSIDERATION

Having voted with the prevailing side, Rep. Dickinson, served notice that today or some subsequent day as limited by House Rules, he would ask the House to reconsider its action of indefinitely postponing HB 203, repealing the requirement that all homeowners' insurance policies must contain workmen's compensation coverage.

#### ENROLLED BILLS

HB 92, legalizing a special town meeting in Pittsfield and proceedings of a special town meeting of Newington.

Rep. Gabrielle Gagnon  
For the Committee

#### COMMITTEE REPORTS

(Consent Calendar)

Rep. Joseph Cote requested that HB 128, making illegal minimum fee charges by all public utilities, be removed from the Consent Calendar.

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 165, 177, 211 and 265, and further moved that the House adopt the committee

recommendation of Ought to Pass on HBs 126, 204, and 192, and further moved that the House adopt the committee recommendation of Refer to Interim Study by the appropriate standing committee on HB 237.

Adopted.

HB 165, removing the restriction on the size of deer hunting parties. Inexpedient to Legislate. Rep. Stimmell for Fish and Game.

Although the original law is hard to enforce, it has been a big help in breaking up deer drives, so we kept the restriction of not more than six in a joint hunt for deer.

HB 177, granting the director of fish and game the power to set seasons and bag limits on small game and game birds. Inexpedient to Legislate. Rep. Stimmell for Fish and Game

Subject matter covered in HB 68 which passed the House February 10, 1977. Committee vote 14 - 5.

HB 211, relative to a special hunting and fishing license for certain property owners. Inexpedient to Legislate. Rep. Scott for Fish and Game.

The Committee felt the bill was a rich man's bill. It has also been tried in other states and failed to pass. Committee vote 14 - 0.

HB 265, expanding the definition of family day care homes. Inexpedient to Legislate. Rep. Helen Wilson for Health and Welfare.

To increase from six to eight the maximum number of children that can be cared for in a family day care home. If a family day care home has six or more children to care for, it must comply with the Federal Life Safety Codes, 101, pertaining to group day care centers. This is considerably more costly.

HB 126, relating to certain acts prohibited by insurance company officers and directors. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs. Allows employees who are promoted to company officers to maintain their mortgages.

HB 204, repealing RSA 312 relating to auctions of personal property. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

There was no opposition by the auctioneers, the law is impossible to comply with.

HB 192, relative to the taking of deer in the town of Auburn. Ought to Pass. Rep. Wolfen for Fish and Game. Town of Auburn thought this bill would be a safety factor during the deer season. Auburn home rule bill. Vote of Committee 20 - 0.

HB 237, relative to the criterion for school attendance. Refer to the Committee on Education for Interim Study. Rep. Shirley White for Education.

This is an important bill, but the Committee feels it has many ramifications which should be explored fully. The vote in Committee was 18 - 0.

#### COMMITTEE REPORTS

(Regular Calendar)

HB 194, repealing the requirement for annual application for veteran's property tax exemptions. Inexpedient to legislate. Rep. Paradis for Claims, Military and Veterans Affairs.

Inasmuch as blind persons, certain physically handicapped, the elderly, veterans, their widows and widowers, are all presently required to make annual application for exemption from the property tax, the committee felt strongly that it was inappropriate to relieve veterans etc. from a simple clerical chore, that of "checking a box" and signing the "application for service exemption" on the "inventory of taxable property form," annual submission of this form being mandatory. This simple annotation is a necessity for Selectmen and Assessors, if they are to be kept current on the status of veterans, their widows and widowers seeking the property tax exemption. No veterans organizations appeared in support of this bill, and the assessor of the city of Concord appeared in opposition. Resolution adopted.

HB 254, relative to the eligibility requirements for a Vietnam veteran's bonus. Inexpedient to Legislate. Rep. Fillback for Claims, Military and Veterans Affairs. The Committee was unanimous in its opposition to any alternate approaches which would broaden the scope of eligibility for the Viet Nam bonus; adoption of any alternate plan could easily lead to a plethora of additional "alternate plans" to get on the "bonus bandwagon"! Resolution adopted.

HB 57, relative to security deposits of tenants of residential premises. Ought to Pass with Amendment. Rep. Crory for Commerce and Consumer Affairs.

This bill limits security deposits of tenants of residential premises to not more than one month's rent and requires landlords not to commingle such security deposits with their personal monies nor to consider them as their personal assets. If the security deposit has been held for more than one year, the landlord is required to pay interest at the rate of at least 4% per year. The bill requires landlords to return the security deposit plus interest, less damages and any unpaid rent and increases in real estate taxes for

which the tenant is liable, within 30 days after the termination of the tenancy. The bill also provides protection of security deposits when a landlord transfers the property to a new owner or when the landlord is involved in a foreclosure sale. The vote of the Committee was 14 - 1.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Mobile Home Security Deposits Regulated. Amend RSA 205-A:7 (supp) as inserted by 1973, 291:1 by striking out said section and inserting in place thereof the following:

205-A:7 Security Deposits. No owner or operator of a mobile home park shall require as a security or damage deposit an amount greater than one month's rent. Said deposit shall be held or disposed of by said owner or operator in compliance with the provisions of RSA 477:48.

2 Security Deposits. Amend RSA 477 by inserting after section 47 the following new subdivision:

Security Deposits on Residential Leases  
477:48 Security Deposits.

I. In this section:

(a) "Landlord" means a person who leases to another person residential premises, including a space in a mobile home park, as regulated in RSA 204-A, and in a mobile home.

(b) "Security deposit" means all funds in excess of the monthly rent which are transferred from the tenant to the landlord or his agent for any purpose.

(c) "Tenant" means any person to whom a landlord leases residential premises including a space in a mobile home park, as regulated in RSA 205-A, and in a mobile home.

II. A landlord may not demand or receive any security deposit in an amount or value in excess of one month's rent and, upon receiving said deposit from a tenant, a landlord shall forthwith deliver to the tenant a signed receipt for the deposit. Said security deposit shall continue to be the money of the person making such deposit and shall be held by the person receiving such deposit and shall not be commingled with the personal moneys or become an asset of the person receiving the same unless applied to payments upon the contract or agreement when due, but may be disposed of as provided in RSA 477:48, V, (b) and (c).

III. A landlord who holds a security deposit for a period of one year or longer shall pay to the tenant interest thereon at the minimum rate of 4 percent per year commencing from the date of receipt of the deposit or from the effective date of this section, whichever is later. Except as provided in paragraphs IV and V, the landlord shall pay said interest to the tenant at the end of the tenancy.

IV. Within 30 days after the termination of the tenancy, the landlord



shall provide the tenant with a written, itemized list of any damages to the premises, any unpaid rent for which the landlord claims the tenant is liable and, if the lease agreement requires the tenant to pay all or part of any increase in real estate taxes levied against the property and becoming due and payable during the term of the lease, the tenant's share of the real estate taxes not paid. Delivery of the list shall be accompanied by payment of money in an amount equal to the amount by which the security deposit, including any unpaid interest due thereon, exceeds the actual or estimated amount of any damages to the premises excluding reasonable wear and tear, any unpaid rent and the tenant's share of the real estate taxes not paid. The itemized list shall indicate with particularity the nature of any repair necessary to correct any damage and the actual or estimated costs thereof.

V. (a) If the landlord fails to tender to the tenant the amount required under RSA 477:48, IV within 30 days after the termination of the tenancy, he shall be liable to the tenant in damages in an amount equal to twice the sum of the security deposit, less any payments made under RSA 477:48, IV, and any unpaid interest. Such failure may also be prosecuted under RSA 358-A.

(b) Any person and the employers, officers or agents thereof, whether the owner or lessee of the property leased, who has or hereafter shall have received from a tenant or licensee a sum of money or any other thing of value as a deposit or advance of rental as security for the full performance by such tenant or licensee of the terms of his lease or license agreement, or who has or shall have received the same from a former owner or lessee, upon conveying such property or assigning his lease to another, or upon the judicial appointment and qualifying of a receiver in an action to foreclose a mortgage or other lien of record affecting the property leased, or upon the conveyance of such property to another person by a referee in an action to foreclose a mortgage or other lien of record affecting the property leased if a receiver shall not have been appointed and qualified in such action, at the time of the delivery of the deed or instrument or assignment or within 5 days thereafter, or within 5 days after the receiver shall have qualified, shall turn the security deposit over to his grantee or assignee, or to the receiver in the foreclosure action, or to the purchaser at the foreclosure sale if a receiver shall not have been appointed and qualified the sum so deposited, and notify the tenant or licensee by registered or certified mail of such turning over and the name and address of such grantee, assignee, purchaser or receiver.

(c) Any owner or lessee turning over to his grantee, assignee, to a purchaser of the leased premises at a foreclosure sale, or to the receiver in the foreclosure action the amount of such

security deposit is hereby relieved of liability to the tenant or licensee for the repayment thereof. The transferee of such security deposit is hereby made responsible for the return thereof to the tenant or licensee, unless he shall thereafter and before the expiration of the term of the tenant's lease or licensee's agreement, transfer such security deposit to another, pursuant to paragraph I and give the requisite notice in connection therewith. A receiver shall hold the security subject to such disposition thereof as shall be provided in an order of the court to be made and entered in the foreclosure action. Subparagraphs (b) and (c) of this paragraph shall not apply if the agreement between the landlord and tenant or licensee is inconsistent therewith.

(d) Any person who violates subparagraphs (b) or (c) of this paragraph shall be guilty of a misdemeanor.

VI. Notwithstanding RSA 477:48, III through V, a landlord shall not be liable nor forfeit any rights if his failure to comply with this section is due to the failure of the tenant to notify the landlord of his new address upon termination of the tenancy.

VII. Any provision in any lease by which the tenant waives any of his rights under this section, except as provided under subparagraph (c) of paragraph V, shall be void.

Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Rich offered an amendment.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Mobile Home Security Deposits Regulated. Amend RSA 205-A:7 (supp) as inserted by 1973, 291:1 by striking out said section and inserting in place thereof the following:

205-A:7 Security Deposits. No owner or operator of a mobile home park shall require as a security or damage deposit an amount greater than 3 month's rent. Said deposit shall be held or disposed of by said owner or operator in compliance with the provisions of RSA 477:48.

Amend RSA 477:48, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. A landlord may not demand or receive any security deposit in an amount or value in excess of 3 month's rent and, upon receiving said deposit from a tenant, a landlord shall forthwith deliver to the tenant a signed receipt for the deposit. Said security deposit shall continue to be the money of the person making such deposit and shall be held by the person receiving such deposit and shall not be commingled with the personal moneys or become an asset of the person receiving



the same unless applied to payments upon the contract or agreement when due, but may be disposed of as provided in RSA 477:48, V, (b) and (c).

Amend RSA 477:48, V, (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

V. (a) If the landlord fails to tender to the tenant the amount required under RSA 477:48, IV within 30 days after the termination of the tenancy, he shall be liable to the tenant in damages in an amount equal to the sum of the security deposit, less any payments made under RSA 477:48, IV, and any unpaid interest. After 30 days the landlord shall be liable for interest on the balance due the tenant at the rate of 1-1/2 per cent per month. Such failure may also be prosecuted under RSA 358-A.

Rep. Morgan spoke against the amendment and yielded to Rep. Crory.

Rep. Rossley spoke against the amendment and yielded to Rep. Pucci.

Rep. Dostilio spoke against the amendment.

A division was requested.

35 members having answered in the affirmative, and 296 in the negative, the Rich amendment lost.

Rep. Horrigan offered an amendment and spoke in favor of his amendment.

#### Amendment

Amend RSA 477:48, I (a), as inserted by section I of the bill, by striking out same and inserting in place thereof the following:

(a) "Landlord" means a person who leases to another person residential premises including a space in a mobile home park and a mobile home, excluding person renting their own homes.

Amendment lost.

HB 57 was ordered to third reading.

HB 252, guaranteeing freedom of speech, right of criticism and disclosure for all state employees. Ought to Pass with Amendment. Rep. Joncas for Constitutional Revision.

To maintain the basic rights and liberties of all persons, regardless of their employment status, and to insure good sound open government that will always be responsive to all persons, the Committee believes the bill should pass.

#### Amendment

Amend RSA 98-E as inserted by section 1 of the bill by striking out section 1 of said chapter and renumbering sections 2, 3, 4 and 5 to read as:

1, 2, 3 and 4, respectively.

Amendment adopted.

Ordered to third reading.

HB 112, establishing an education voucher program. Inexpedient to Legislate. Rep. Brack for Education.

The Committee believes that since previous consideration of the voucher plan had an overwhelmingly negative voter response, the purpose of this bill is inexpedient. The Committee vote was 12 - 7.

Rep. Taffe moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke to her motion.

Reps. Henry Richardson, Brack, Catherine-Ann Day, Krasker and William Boucher spoke against the motion.

Reps. Nemzoff-Berman, Chandler, Woodard and Gary Dionne spoke in favor of the motion.

Rep. Marshall French moved that the motion as offered by Rep. Taffe be indefinitely postponed and spoke to his motion.

Rep. Taffe requested a roll call. Sufficiently seconded.

(Speaker Presiding)

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YEAS 271

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Coyette, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Claflin, Raymond Conley, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Faucher, Fillback, Galloway, Irvin Gordon, Hogan, Marshalla, Moore, Proctor, Russell, Scranton, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, Oleson, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Ira Allen, George Cate, Chambers, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Taylor and Madeline Townsend.

HILLSBOROUGH: Ahern, Ainley, Aubut, Belanger, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drenniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Knight, Lachance, LaPlante, Armand Lemire, Lyons, Madigan, Marcoux, Martin, McGlynn, McLaughlin, Morgan, Fred Murray, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Podles,

Polak, Henry Richardson, Seamans, Sing, Edward Smith, Leonard Smith, Soucy, Stahl, Stylianos, Francis Sullivan, Harold Thomson, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Kidder, Donna MacIvor, McLane, McNichol, Mullin, Packard, Arthur Perkins, Plourde, Pratt, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Doris Thompson, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Appel, Benton, Bisbee, Blanchette, William Boucher, Campbell, Chapman, Collins, Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Beverly Gage, Ganley, Gaskill, Goff, Greene, Grieco, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Norton, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Rossley, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Stratton, Tavitian, Vlack, Webster, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Bruce French, Hebert, Dianne Herchek, Joos, Kincaid, Lefavour, Maglaras, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley and Shirley White.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, LeBrun, Lewko, Lucas, Palmer, Scott, Spaulding and Tucker.

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BELKNAP: Gary Dionne and Sanders.

CARROLL: Roderick Allen, Dickinson, Found and Towle.

CHESHIRE: Dostilio, Anne Gordon, Elmer Johnson, Krause, Ladd, Matson, Parker and Terry Wiggin.

COOS: Patenaude.

GRAFTON: Gemmill, Neil McIver, Stomberg, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Bednar, Bernier, Granger, Cort Hansen, LaFleur, Martineau, Morrison, Nardi, Nemzoff-Berman, Paradis, Plomaritis, Record, Simard, Kevin Sullivan and James J. White.

MERRIMACK: Blakeney, Carroll, Chandler, Hess, Polly Johnson, LaBonte, Pelton, Rich, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Blake, Carpenito, Dunfey, Carl Gage, Gould, Joseph McEachern, Niebling, O'Keefe, Quimby and Splaine.

STRAFFORD: Burchell, Charles Grassie, Horrigan, Kelly, Lessard, Morrisette, Voll and Allen Wilson.

SULLIVAN: Ingram and Sara Townsend, and the motion was indefinitely postponed.

Rep. Chandler moved that HB 112 be recommitted to the Committee on Education and spoke to his motion.

Reps. William Boucher and Gemmill spoke against the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded Adopted.

Motion lost.

Rep. Richard Hanson moved that HB 112 be indefinitely postponed. Adopted.

HB 236, relative to the student trustee in the state university system. Ought to Pass. Rep. Lessard for Education. This bill provides for the election, rather than the appointment of the student trustee in the university system. The Committee feels that the students would be better represented by someone of their own choosing. The Committee vote was 17-1. Ordered to third reading.

HB 98, relative to an agency's readoption of edited rules and relative to notice requirements in the rule adoption procedure. Ought to Pass. Rep. Hoar for Executive Departments and Administration.

This bill clarifies intent of the Administrative Procedures Act, providing efficient mechanism for agencies to reaffirm previously adopted rules, after Legislative Services has conformed the rule to format requirements of the Act. Public is protected as bill would not affect public hearing requirements before initial adoption of rule. Unanimous vote of members present. Ordered to third reading.

HB 105, relative to the revocation and suspension of hunting and fishing licenses pending appeal of conviction of fish and game regulation violation and the statutes relative to littering. Ought to Pass. Rep. Gerald Smith for Fish and Game.

This bill puts teeth in the litter law in regard to fishing and hunting enforcement. Vote of Committee was unanimous. Ordered to third reading.

HB 178, changing the deer season for resident hunters. Inexpedient to Legislate. Rep. Stimmell for Fish and Game. The Committee feels that this type of discrimination against nonresident hunters would do nothing to further the cause of getting out-of-state sportsmen to hunt in the state of New Hampshire and would no doubt also set a dangerous precedent here in the

northeast.

Rep. LaMott moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke to his motion.

Reps. Stimmell, Hunt and Pratt spoke against the motion.

Rep. Polak moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 62 NAYS 241

YEAS 62

BELKNAP: Ambrose, Bowler and Goyette.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Fount and Keller.

CHESHIRE: Close, Dostilio, Anne Gordon, Marshala, Matson, Moore, Proctor, Russell, Scranton and Whipple.

COOS: None.

GRAFTON: Aldrich, LaMott, Mann, McAvoy, Rounds, Stomberg, Ward and Michael Woodard.

HILLSBOROUGH: Ainley, Bernier, Wilfrid Boisvert, Nancy Gagnon, Head, Armand Lemire, Madigan, Fred Murray, Nardi, Orcutt, Robert Wheeler, James White and M. Arnold Wight.

MERRIMACK: Blakeney, John Cate, Kidder, McNichol and Wiviott.

ROCKINGHAM: Aller, Bisbee, Blake, William Boucher, Campbell, Cummings, Davis, Beverly Gage, Goff, Hoar, King, Quimby, Richards and Scamman.

STRAFFORD: Belhumeur, Kelly and Dennis Ramsey.

SULLIVAN: Palmer

NAYS 241

BELKNAP: Beard, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Claflin, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Daniel Eaton, Faucher, Fillback, Galloway, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Parker, Vrakatitsis and Terry Wiggin.

COOS: Cooney, Fortier, Horton, Hunt, Oleson, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Ira Allen, George Cate, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, Logan, Pepitone, Snell, Taylor and Madeline Townsend.

HILLSBOROUGH: Ahern, Aubut, Baker, Bednar, Belanger, Emile Boisvert, Bosse, Roland Boucher, Brack, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Knight, Lachance, LaFleur, LaPlante, Lyons, Marcoux, Martin, Martineau, McLaughlin, Morrison, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Simard, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Kevin Sullivan, Francis Sullivan, Harold Thomson, Wallace, Geraldine Watson, Welch, Emma Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Carroll, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Polly Johnson, LaBonte, Donna MacIvor, McLane, Mullin, Pelton, Plourde, Pratt, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters and Robert Watson

ROCKINGHAM: Aeschliman, Akerman, Appel, Benton, Carpenito, Chapman, Connors, Cunningham, Danforth, Robert Day, Erler, Felch, Ganley, Gaskill, Gould, Griffin, Hartford, Kashulines, Krasker, Laycock, Lovejoy, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Pucci, Anthony Randall, Rogers, Schwaner, Skinner, Alfreda Smith, Stimmell, Tavitian, Vlack, Webster and Wolfsen.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kincaid, Lefavour, Maglaras, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Burrows, Desnoyer, Gray, Ingram, LeBrun, Lewko, Lucas, Scott, Spaulding, Sara Townsend and Tucker, and the motion lost.

Rep. Taffe wished to be recorded in favor of the motion to substitute ought to pass.

Rep. Sabbow moved that HB 178 be indefinitely postponed.

Adopted.

HB 19, to reduce the mandatory period for impoundment of dogs and other animals and to increase pound fees. Ought to Pass. Rep. Burke for Municipal and County Government.

This bill is necessary and long overdue. It increases pound fees to cover the costs incurred and reduces the period for impoundment since most dogs are claimed within two or three days.

Ordered to third reading.



HB 100, relative to placing the Exeter police department under the control of the town manager. Ought to Pass. Rep. Welch for Municipal and County Government.

This bill is necessary to get a referendum to put the Exeter Police Department under the town manager. Ordered to third reading.

HB 158, relative to the compensation of tax collectors. Ought to Pass. Rep. Emile Boisvert for Municipal and County Government.

This bill increases compensation from 30¢ to 50¢ for the tax collector in those towns where compensation is on a commission basis. This is in regard to resident tax. Ordered to third reading.

HB 241, repealing the requirement to print hydrophobia symptoms on dog licenses. Ought to Pass. Rep. Roy Davis for Municipal and County Government.

This bill eliminates an unnecessary expense to the towns and facilitates the town clerk's job. Ordered to third reading.

HB 150, imposing a real estate tax on a portion of state owned property. Inexpedient to Legislate. Rep. Splaine for Ways and Means.

There was no exact estimate of the cost to the State under this bill, but it would be substantially more than \$1 million. It would adversely affect some communities where state-owned property is leased. The Committee would rather see a uniform policy for compensation by the state. Committee vote was unanimous. Resolution adopted.

HB 170, relative to property tax exemptions for certain disabled servicemen. Ought to Pass. Rep. Quimby for Ways and Means.

This bill extends the application of 100% handicapped veterans property tax exemption to those few (4-5) veterans who have sold one Veterans Administration approved homestead for another. Committee vote was unanimous. Ordered to third reading.

HB 206, relative to inheritance tax exemptions. Inexpedient to Legislate. Rep. Quimby for Ways and Means.

The intent is honorable, but the fiscal effects are disastrous -- approximately \$3 million in lost revenue to the General Fund. Committee vote was unanimous. Resolution adopted.

#### WAYS AND MEANS REVENUE REPORT

Rep. McLane, chairman of the Committee on Ways and Means, offered the committee's monthly revenue estimates, commented upon them and yielded to inquiries. (See Appendix C)

#### SUSPENSION OF RULES

Rep. Marshall French and Spirou moved that the rules of the House be so far suspended as to permit the House to consider HR 10, relative to the payment of salary to the members of the House of Representatives, at the present time.

Adopted by the necessary two-thirds.

#### COMMITTEE REPORT

HR 10, relative to the payment of salary to the members of the House of Representatives. Ought to Pass with Amendment. Rep. Roderick O'Connor for Legislative Administration.

Standard resolution for payment of legislative salary. Amendment makes reference to appropriate Constitutional provision and changes date of last payment to July 1. Unanimous vote of members present.

#### Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:

WHEREAS, Part 2, Article 15 of the New Hampshire Constitution provides that House members shall receive as compensation for services rendered during their elected term the sum of \$200; and

WHEREAS, Part 2, Article 15 of the New Hampshire Constitution permits such compensation to be paid to members "seasonably attending and not departing without license";

NOW, THEREFORE, BE IT RESOLVED:

That the salary of the members of the House of Representatives be so divided that any member meeting the constitutional requirements of Part 2, Article 15 of the New Hampshire Constitution may receive one-quarter of his salary monthly for the first three months, and the balance on July 1, 1977.

The Assistant Clerk read the amendment in full.

Reps. Hildreth and Spirou spoke in favor of the committee report. Amendment adopted. Adopted.

The Subcommittee on Resolutions and Screening having approved its introduction, Reps. Marshall French and Spirou offered the following:

#### HOUSE CONCURRENT RESOLUTION NO. 3

inviting Chief Justice Kenison to address a joint convention on the state of the judiciary

WHEREAS, many legislators, as well as members of the public, are uninformed as to the operation of the judiciary and its role as a co-equal branch of government with the legislative and executive branches; and

WHEREAS, the general court had the distinct privilege and pleasure of the Chief Justice's favorable response to address this body on a similar subject in past sessions and

WHEREAS, the Chief Justice of the United States Supreme Court has recommended that an annual address on the



"State of the Judiciary" by the Chief Justice of each state's highest court would strengthen the cooperation and understanding between the legislative and judicial branches of government; now, therefore be it

RESOLVED by the House of Representatives, the Senate Concurring:

That the Chief Justice of the New Hampshire Supreme Court, the Honorable Frank R. Kenison, is cordially invited to address the House of Representatives and Senate in Joint Convention at a time determined by the leadership of both houses to be mutually convenient for the Chief Justice and the General Court.

Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns, it be to meet Tuesday at 1:00 o'clock.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 126, relating to certain acts prohibited by insurance company officers and directors.

HB 204, repealing RSA 312 relating to auctions of personal property.

HB 192, relative to the taking of deer in the town of Auburn.

HB 57, relative to security deposits of tenants of residential premises.

HB 252, guaranteeing freedom of speech, right of criticism and disclosure for all state employees.

HB 236, relative to the student trustee in the state university system.

HB 98, relative to an agency's readoption of edited rules and relative to notice requirements in the rule adoption procedure.

HB 105, relative to the revocation and suspension of hunting and fishing licenses pending appeal of conviction of fish and game regulation violation and the statutes relative to littering.

HB 19, to reduce the mandatory period for impoundment of dogs and other animals and to increase pound fees.

HB 100, relative to placing the Exeter police department under the control of the town manager.

HB 158, relative to the compensation of tax collectors.

HB 241, repealing the requirement to print hydrophobia symptoms on dog licenses.

HB 170, relative to property tax exemptions for certain disabled servicemen.

355 members were recorded present.

#### RECESS

Rep. Marshall French moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 13

*Tuesday, 1 Mar 77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

"Whoever wants to be great among you must be your servant. And whoever wants to be greatest of all must be the slave of all." (Mark 10:43-44)

A young man stood on the roof of the apartment house where he lived. Looking across the East River to lighted office buildings in downtown New York, he said: "I'm going to carve a place for myself in that jungle over there even if it kills me." He did - and it did! He died of a heart attack at forty-two years of age. He got what he drove after. His goal was self-centered.

"When will we ever learn, when will we ever learn - - - ?" This Holy season should and can remind us of the place of "unselfish service". This young man, called Jesus, urged His followers to "ask, seek and knock" (Matt. 7:7). This does not sound like giving in, giving out or giving up. Let us move in true humility, recognizing other persons' needs, longings, and rights; curbing the selfish exercise of our drives to the harm of others, climbing over others in the misuse of our God-given energies.

Woodrow Wilson once said, "No man is a true Christian who does not think constantly of how he can lift his brother, how he can assist his friend, how he can make virtue the rule of conduct in the circle in which he lives." God, lead us this day in the paths of unselfish service. Amen!

Rep. Lawton led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Danforth, Davis, Anthony Randall, Crotty, Frizzell, Stockman, Sal Grasso, Forsaith Daniels, Shea and Bridges, the day, illness.

Reps. Alter, Barka, Paul Riley, Pratt, Grieco and Bellemore, the day, important business.

Rep. Joncas, the day, funeral in family.

## INTRODUCTION OF GUESTS

Carl Boucher, guest of Rep. Maglaras; Dave Sanderson, Executive Director of the New England Trail Rider Association, guest of Rep. Girolimon.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 460 through 483 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted

Adopted.

## INTRODUCTION OF BILLS

First, second reading and referral  
HB 460, amending the formula for computing the elderly and expanded elderly real estate tax exemptions. (Carswell of Hillsborough Dist. 13; Lyons of Hillsborough Dist. 13; Shepard of Merrimack Dist. 4; Sen. Downing of Dist. 22 - To Municipal and County Government)

HB 461, relative to the qualifications of alarm installers. (Kidder of Merrimack Dist. 1; Lewko of Sullivan Dist. 6 - To Commerce and Consumer Affairs)

HB 462, establishing a division of municipal engineering and inspection in the water supply and pollution control commission and making an appropriation therefor. (Johnson of Cheshire Dist. 3; LaMott of Grafton Dist. 6, for Department of Water Supply and Pollution Control - To Resources, Recreation and Development)

HB 463, increasing the amount of the homestead right. (Poulin of Coos Dist. 9 - To Statutory Revision)

HB 464, relative to the loaning authority of co-operative banks, building and loan associations and savings and loan associations. (Burns of Coos Dist. 4 - To Commerce and Consumer Affairs.)

HB 465, redefining the term "emergency vehicles" in the motor vehicle laws. (Stockman of Merrimack Dist. 8, for Department of Safety - To Transportation.)

HB 466, permitting cities and towns to set their own fee schedules for dog licenses. (Perkins of Hillsborough Dist. 8; Paradis of Hillsborough Dist. 8 - To Municipal and County Government)

HB 467, relative to charging manner of death. (Lewko of Sullivan Dist. 6 - To Judiciary)

HB 468, opening Christine lake in the town of Stark to ice fishing. (Poulin of Coos Dist. 9; Theriault of Coos Dist. 9 - To Fish and Game)

HB 469, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 19 years of age. (Ellis of Rockingham Dist. 16; Danforth of Rockingham Dist. 7; Polak of Hillsborough Dist. 14; Van Loan of Hillsborough Dist. 9 - To Regulated Revenues.)

HB 470, providing for local option approval of the sport of jai alai under the direction and supervision of the state jai alai commission. (Kashulines of Rockingham Dist. 3-A; Sen. Sanborn of Dist. 17 - To Regulated Revenues)

HB 471, relative to the tobacco tax. (Bednar of Hillsborough Dist. 14, for the Department of Revenue Administration - To Regulated Revenues)

HB 472, relative to the regulation of small loans. (Lamy of Hillsborough Dist. 35, for Bank Commissioner - To Commerce and Consumer Affairs)

HB 473, relative to the taxation of the buildings and property of the university of New Hampshire system. (Dearborn of Grafton Dist. 11 - To Municipal and County Government)

HB 474, permitting persons awaiting trial in superior court to work in a jail or house of correction. (Perkins of Merrimack Dist. 18 - To Judiciary)

HB 475, providing for payment of a claim to Charles R. Sargent of Laconia and making an appropriation therefor. (Roberts of Belknap Dist. 4 - To Claims,

Military and Veterans Affairs)

HB 476, providing for payment of a claim to John F. Zvacs of Gilmanton and making an appropriation therefor. (Roberts of Belknap Dist. 4 - To Municipal and County Government)

HB 477, relative to the name New Hampshire Straight Chiropractic Society. (Spaulding of Sullivan Dist. 4 - To Health and Welfare.)

HB 478, relative to the governor issuing a certificate of election. (Carswell of Hillsborough Dist. 13 - To Statutory Revision)

HB 479, relative to disability retirement benefits under the New Hampshire retirement system. (Hildreth of Belknap Dist. 6 - To Executive Departments and Administration)

HB 480, to identify operators of motor vehicles convicted of driving under the influence of liquor or drugs. (Sing of Hillsborough Dist. 23 - To Transportation.)

HB 481, amending the charters of certain savings banks. (Plourde of Merrimack Dist. 7 - To Commerce and Consumer Affairs)

HB 482, relative to the high school equivalency examination and school attendance. (Chapman of Rockingham Dist. 15 - To Education)

HB 483, relative to investment laws for savings banks. (Lamy of Hillsborough Dist. 35, for the Bank Commissioner - To Commerce and Consumer Affairs)

#### SIX-DAY EXTENSIONS GRANTED

HB 93, relative to the licensing of electrologists. (Commerce and Consumer Affairs)

HB 109, designating "New Hampshire's Granite State" as a state song. (Claims, Military and Veterans Affairs)

HB 113, relative to retirement credit for William J. Byrne. (Claims, Military and Veterans Affairs)

HB 147, relative to the employment of an auditor by a school district. (Education)

HB 3, repealing the provisions relative to establishing additional district courts. (Judiciary)

HB 1, relative to the fee schedule of the registers of deeds in all counties. (Municipal and County Government)

HB 107, relative to publicly funded relief for volunteer ambulance drivers. (Municipal and County Government)

HB 132, prohibiting the transfer of property within 3 years of applying for town assistance. (Municipal and County Government)

HB 110, reclassifying a certain highway in the city of Somersworth. (Public Works)

HB 141, clarifying the authority to maintain traffic control upon entering the state highway system. (Public Works)

HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles. (Transportation)

#### SUSPENSION OF RULES

Rep. Tucker moved that the rules be so far suspended as to permit SB 86, making an appropriation for capital improvements at Winnisquam lake dam, to be considered at the present time.

Adopted by the necessary two-thirds.

#### COMMITTEE REPORT

SB 86, making an appropriation for capital improvements at Winnisquam lake dam. Ought to Pass. Rep. Tucker for Appropriations.

This legislation is to provide supplemental funds to allow completion of Lochmere Dam project. Costs were increased by doubling prices of concrete and other materials. Also, much greater damage was present than suspected in original survey. Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Richard Hanson moved that the rules be so far suspended as to permit the House to consider HB 453, relative to serial notes issued by the town of Bedford, at the present time and spoke to his motion.

Rep. Marshall French spoke in favor of the motion.

Adopted by the necessary two-thirds.

Rep. Richard Hanson moved that HB 453, be ordered to third reading.

Ordered to third reading.

#### COMMITTEE REPORTS

HB 261, to reimburse the town of Dummer for revenue lost due to the taking of Pontook dam and making an appropriation therefor. Ought to pass with amendment. Rep. Benton for Claims, Military and Veterans Affairs.

Since 1968 the town of Dummer, population 251, has been denied property tax revenue from approximately 700 acres of land abutting the Pontook Reservoir. Formerly owned by Public Service Company of New Hampshire, the land was turned over to the state, and placed in the custody of the New Hampshire Water Resources Board, to be developed into a state park. Work on such park has not started; this situation is manifestly unfair to the town of Dummer. At least eight other municipalities currently receive sums of money in lieu of property taxes for land held by the state. In the case of Dummer, the state should either (a) build the state park, or (b) return the land to the town of Dummer, or (c) transfer custody of the land to some other state agency which could then

request appropriated funds for reimbursement of the town of Dummer on an annual basis, thus relieving the legislature of this task in each session.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$2,450.79 is hereby appropriated for the fiscal year ending June 30, 1977, and a like sum for the fiscal year ending June 30, 1978, to be paid to the town of Dummer, in lieu of taxes on Pontook dam. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 102, prohibiting the removal of serial numbers from certain products. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

The Committee unanimously felt that this bill should be adopted as amended. The bill aids the police departments in their attempt to protect the populace and does not work any hardship on those now in lawful possession of items without identifying numbers. This bill is supported by the New Hampshire Department of Safety.

#### Amendment

Amend RSA 637:7-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

637:7-a Possession of Property without Serial Number.

I. Any person who knowingly buys, sells, receives, disposes of, conceals or has in his possession a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, firearm, safe, vacuum cleaner, dictaphone, watch, watch movement, watch case or any other mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment, from which the manufacturer's name plate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of a misdemeanor.

II. The provisions of paragraph I do not apply to those cases or instances where any of the changes or alterations enumerated in paragraph I have been customarily made or done as an established practice in the ordinary and regular conduct of business, by the original manufacturer, or by his duly appointed direct representative, or under specific authorization from the original manufacturer. Further said provisions do not apply to those persons who, at the effective date of this section, are

lawfully in possession of that type of property described in paragraph I which does not have identifying numbers or from which such identifying numbers have been lost inadvertently.

Amendment adopted.

Ordered to third reading.

HB 123, relating to the establishment of public convenience offices by banks. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill allows all banking institutions to operate complementary facilities (walk-up or drive-up services) at a location in close proximity to the bank or a branch of the bank for limited banking purposes. These facilities will not be considered to be branch banks but only as adjunct banking facilities for the public's convenience. Voted 15-0 by Committee.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
relating to the establishment  
of complementary facilities  
by banks.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after RSA 384-D the following new chapter:

#### CHAPTER 384-E

Complementary Facilities of Banks  
384-E:1 Definitions. As used in this chapter:

I. "Bank" means any bank, trust company, loan and banking company, commercial bank, mutual savings bank, guaranty savings banks, cooperative bank, savings and loan association, and similar institution which is chartered as such by this state and actively engaged in business as such in this state.

II. "Another banking institution" means any bank as herein defined and any national bank and any federal savings and loan association.

384-E:2 Complementary Facility. A bank may, pursuant to resolution of its board of directors or board of trustees, as the case may be, establish, maintain and operate no more than one complementary facility as an adjunct to its principal office, and not more than one complementary facility as an adjunct to each branch office now operated by or hereafter lawfully established and operated by it. A complementary facility shall consist of facilities commonly known as drive-in or walk-up facilities, or both, and shall be limited to such facilities.

384-E:3 Location of Complementary Facility. Each complementary facility established pursuant to this chapter shall be located in the same city or town as that in which the bank maintains the



office of which such complementary facility is to be an adjunct. No complementary facility shall be established or maintained at a location which is more than 1,000 feet from the principal office or branch office of the bank of which it is to be an adjunct; nor shall any such complementary facility be established within 200 feet of the principal office or a branch office of another banking institution without the written consent of such other banking institutions. Notwithstanding anything herein to the contrary, any complementary facility which is to be an adjunct of a branch office which was established in a noncontiguous town pursuant to the provisions of RSA 384-B:2, I (c), shall be so located as to comply with same mileage limitations of RSA 384-B:2, I (c) applicable to such branch office. For purposes of this chapter, distances shall be measured along a straight line drawn between the wall of the principal office or branch office of a bank and the nearest wall of the complementary facility.

384-E:4 Business Transacted at Complementary Facility. No business other than that actually and necessarily involved in connection with the performance of one or more of the following functions shall be transacted at any complementary facility.

I. The receipt of deposits of money, currency, checks and other similar items;  
 II. The payment of withdrawals;  
 III. The cashing of checks, drafts and other similar items;

IV. The receipt of moneys due to the bank;

V. The issuance of cashier's checks, treasurer's checks, money orders and similar items;

VI. The disbursement of funds pursuant to an existing loan agreement or extension of credit which provides for advances to or for the account of the borrower, by means of honoring one or more checks or other written orders by the use of a credit card or other similar arrangement; and

VII. The distribution of literature and forms relating to services offered by the bank, including new account cards and loan applications, but no accounts may be opened and no loans closed at any complementary facility.

384-E:5 Complementary Facility Not Branch Office. A complementary facility shall not be deemed a branch office as that term is used in RSA 384-B and shall not be subject to any of the provisions of RSA 384-B relating to the establishment of branch offices, nor to the provisions of RSA 384-B:7 relating to electronic banking. Each complementary facility shall be deemed to be an integral part of the principal office or branch office of which it is an adjunct, and all business transacted at such complementary facility shall be deemed to be transacted at the office of which it is an adjunct.

Amendment adopted.  
 Ordered to third reading.

HB 128, making illegal minimum fee charges by all public utilities. Inexpedient to Legislature. Rep. Lamy for Commerce and Consumer Affairs.

The committee unanimously felt that the intent of this bill was to address a problem with the Manchester Water Works. The legislature has no jurisdiction over this area. Any reduction or elimination of minimum fees should be a matter of regulation, not legislation.

Rep. Joseph Cote moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke to his motion.

Reps. Lamy, Burns and Rossley spoke against the motion.

Motion lost.

Resolution adopted.

HB 256, increasing the per diem pay for members of the aeronautics commission. Inexpedient to Legislature. Rep. Sara Townsend for Executive Departments and Administration.

The Committee was unanimous in the feeling that this is not the year to increase per diems for any commission. Resolution adopted

HB 63, relative to the taking of wild deer with a shotgun and muzzle loading rifle in certain towns and cities. Inexpedient to Legislature. Rep. Scott for Fish and Game.

The Committee vote was 19 to 0 inexpedient to legislate. This bill takes home rule away from Rockingham County. Committee felt that the towns should do this individually.

Rep. William Boucher moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke to his motion.

Rep. Stimmell explained the committee report.

Motion lost.

Resolution adopted.

HB 78, increasing the fees for hunting and fishing licenses and providing for free licenses for persons 65 years of age or older. Ought to Pass with Amendment. Rep. Stimmell for Fish and Game.

Committee felt that this bill was necessary to save the Fish and Game Department in this present financial bind. New Hampshire is still lower in license fees than surrounding states.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing the fees for hunting and fishing licenses and revising the fees for members of the armed forces.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

### I. Resident Member of Armed Forces.

Amend RSA 214:3 (supp) as amended by striking out in line 13 the words "no fee" and inserting in place thereof the following (a fee of \$10.50) so that said section as amended shall read as follows:

214:3 - Member of Armed Forces. Any resident of this state who is on regular active duty with any branch of the armed forces of the United States, and who was a legal resident prior to entry into said armed forces, and who is stationed outside the state of New Hampshire, may make application to the director of the fish and game department or his designated agent for a special license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport game birds, game animals, fish and salt water smelt, under the restrictions of title XVIII of the Revised Statutes Annotated, except as otherwise provided in this section. The special license shall terminate immediately upon the termination of the service of the licensee in such armed forces, and in any event any such license shall expire on December thirty-first next following its issuance. There shall be a fee of \$10.50 for such license.

2 License Fees. Amend RSA 214:9 (supp) as amended by striking out said section and inserting in place thereof the following:

214:9 Application; Fees. The applicant shall fill out and subscribe to a blank to be furnished by the director and pay the agent the following fees, in addition to the fee of 50 cents, as provided in RSA 214:15.

I. If the applicant is a resident of this state and wishes to hunt, \$7.75, and the agent shall thereupon issue a resident hunting license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport game birds and game animals under the restrictions of this title.

II. If the applicant is a resident of this state and wishes to fish, \$8.75, and the agent shall thereupon issue a resident fishing license, which shall entitle the licensee to kill, take and transport fish and salt water smelt under the restrictions of this title.

III. If the applicant is a resident of this state and wishes to hunt and fish, \$13.50, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport game birds, game animals, fish, and salt water smelt, under the restrictions of this title.

IV. If the applicant is a resident of this state and wishes to take fur-bearing animals by the use of traps, \$10.50, and the department shall thereupon issue a trapping license, which shall entitle the licensee to take fur-bearing animals by the use of traps and sell and transport them under the restrictions of this title.

V. If the applicant is a resident under 16 years of age and wishes to take fur-bearing animals by the use of traps, \$5.50, and the agent shall thereupon issue a resident minor's trapping license, which shall entitle the licensee to take fur-bearing animals by the use of traps and sell and transport them under the restrictions of this title.

VI. If the applicant is a nonresident and wishes to hunt, \$55.50, and said agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport game birds and game animals, under the restrictions of this title.

VII. If the applicant is a nonresident under 16 years of age and wishes to hunt, \$35.50, and said agent shall thereupon issue a nonresident minor's hunting license which shall entitle the licensee to hunt, shoot, or take game animals when accompanied by another licensee 18 years of age or over, and to transport game animals under the restrictions of this title.

VII-a. If the applicant is a nonresident and wishes to hunt game other than deer or bear, \$30.50, and said agent shall thereupon issue a nonresident small game license which shall entitle the licensee to hunt, shoot or take game birds and game animals with the exception of deer and bear under the restrictions of this title.

VIII. If the applicant is a nonresident and wishes to take fresh water fish or salt water smelt only, \$20.50, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport fresh water fish and salt water smelt under the restrictions of this title, provided that:

(a) If said applicant wishes to take said fish or smelt for 15 consecutive days, \$15.50, and the agent shall thereupon issue a 15-day nonresident fishing license for said time only under the restrictions of this title;

(b) If the applicant wishes to take said fish or smelt for 7 consecutive days, \$10.50, and the agent shall thereupon issue a 7-day nonresident fishing license for said time only under the restrictions of this title; and

(c) If the applicant wishes to take said fish or smelt for 3 consecutive days, \$7.25, and the agent shall thereupon issue a 3-day nonresident fishing license for said time only under the restrictions of this title.

IX. If the applicant is a nonresident and wishes to take fur-bearing animals by the use of traps, \$200, and the agent shall thereupon issue a nonresident trapping license, which shall entitle the licensee to take fur-bearing animals by the use of traps and sell and transport them, under the restriction of this title.

I. If the applicant wishes to hunt pheasants, \$4.00, and the agent shall thereupon issue a pheasant stamp which

shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, no more than 2 pheasants, one of which may be female, per day during the open season.

3 Duplicate Licenses. Amend RSA 214:9-b (supp) as inserted by 1961, 162:1 as amended by striking out in line 2 the words "one dollar" and inserting in place thereof the following (\$2.50) so that said section as amended shall read as follows:

214:9-b Lost License, Duplicate. A person who loses or by mistake or accident destroys his license, may, upon payment of a fee of \$2.50, receive a duplicate license if the applicant completes affidavits setting forth the circumstances surrounding its loss or destruction.

4 Nonresident Student. Amend RSA 214:5-a as inserted by 1959, 162:1 by striking out in line 13 the words "one-half the amount of the fee for a nonresident hunting license" and inserting in place thereof the following (\$25.50) so that said section as amended shall read as follows:

214:5-a Nonresident Student Hunting License. Any nonresident who is 18 years of age or over attending a bona fide preparatory school, college, or university in this state may make application to the director of fish and game or his agent for a special nonresident student hunting license. Such applicant shall submit satisfactory evidence of his attendance at said school, college or university and that he has passed the national rifle association hunter training safety program, and the director, or his agent, may in his discretion issue to such applicant a special license which shall entitle the licensee to hunt shoot, kill or take, except by the use of traps, and to transport game birds, and game animals under the restrictions of this title. Such special license shall have marked or stamped thereon the words "nonresident student hunting license." The fee for such a license shall be \$35.50.

5 Nonresident Service Man's License. Amend RSA 214:4-a as inserted by 1963, 323:1 by striking out said section and inserting in place thereof the following:

214:4-a -- Nonresident Servicemen. Personnel stationed at any military base or installation outside of the state are eligible to purchase special hunting and fishing licenses at a fee of \$35.50. Such license shall have marked or stamped thereon the words "nonresident serviceman's license." Licenses under the provisions of this section shall be issued by an authorized agent under an affidavit or from the fish and game department. Personnel requesting such licenses shall give written proof, properly sworn to, that he or she is in fact stationed at said base or installation outside of the state.

6 Fur-Buyers License Fees. Amend RSA 214:25 (supp) as amended by striking out said section and inserting in place thereof the following:

214:25 Applications; Fees. The applicant whether a resident or nonresident shall fill out and subscribe to a blank to be furnished by the director, and pay therefor a fee of \$10.50, and the director shall thereupon issue a fur-buyer's license which shall entitle the licensee to buy and sell, in one county in the state, the furs and skins of fur-bearing animals lawfully taken, and to sell and transport the same, under the restrictions of this title. The director may grant such licenses for more than one county upon the payment of an additional fee of \$10.50 for each county specified. The director may grant such licenses for the entire state upon the payment of a fee of \$50.50.

7 Fees for Hunting with Bow and Arrow. Amend RSA 208:5 (supp) as amended by striking out said section and inserting in place thereof the following:

208:5 Bow and Arrow. Any resident upon payment of a fee of \$7.50, or any nonresident upon the payment of a fee of \$20.50, shall be issued a special archery license. Said special archery license shall entitle the holder to hunt deer with bow and arrow for the period from October first to the end of the current deer season of each year throughout the state and in Bear Brook Refuge under the following conditions. Said special archery license shall also entitle the holder to hunt wild animals, game animals and game birds with bow and arrow during the open season therefor under the following conditions. If said nonresident not holding a New Hampshire hunting license shall be a person under 16 years of age he shall not be entitled to hunt under said special archery license except when accompanied by a properly licensed person who is 18 years of age or over. A special archery license shall not be required for residents less than 6 years of age, but such person while hunting with bow and arrow must be accompanied by a properly licensed person who is 18 years of age or over, and must further comply with all the provisions of the chapter. No person hunting under the provisions hereof shall carry any firearms and no deer shall be taken with firearms under the archery license. Provided that the prohibitions against carrying firearms shall not apply to persons properly licensed to carry firearms. Any person taking deer under the provisions of this section shall notify a conservation officer within 48 hours of such taking.

8 Fees for Muzzle-Loaders. Amend RSA 208:5-a (supp) as inserted by 1963, 315:1 as amended by striking out said section and inserting in place thereof the following:

208:5-a Muzzle-Loaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, upon payment of a fee of \$10.50 by residents or a fee of \$22.50 by nonresidents shall be issued a special license. Said special license shall entitle the holder to hunt deer with a



single shot muzzle-loading firearm, of not less than .40 caliber, for a period of 10 days immediately prior to the opening date for the taking of deer as provided for by RSA 208:2. No other type of firearm may be used for the taking of deer during this period.

9 Effective Date. This act shall take effect upon its passage.

At the request of Rep. Sara Townsend, Rep. Stimmell answered questions.

Amendment adopted.

Rep. Polak offered a further amendment.

#### Amendment

Amend section 9 of the bill by striking out same and inserting in place thereof the following:

9 Licensing Elderly. Amend RSA 214:7-a (supp) as inserted by 1959, 254:1 as amended by striking out in line 2 the words "sixty-eight" and inserting in place thereof the following (65) so that said section as amended shall read as follows:

214:7-a Persons over 65 years of age. Any resident of this state who is 65 years of age or over may make application, to any authorized agent of the state for the sale of fishing and hunting licenses, for a special license to fish and hunt, under the restrictions of this title. Such license shall be marked in such manner as the director may designate and there shall be no fee for such license. Such license shall be effective for said resident during the remainder of his life, unless sooner suspended or revoked,

10 Effective Date. This act shall take effect upon its passage.

The Assistant clerk read the amendment in full.

Rep. Stimmell spoke to the amendment.

Rep. Plourde spoke in favor of the amendment.

Reps. George Wiggins and Wiswell spoke against the amendment.

Rep. Bednar spoke in favor of the amendment.

Rep. Hess moved the previous question. Sufficiently seconded. Adopted.

Question being on the Polak amendment.

Amendment failed.

Referred to Appropriations.

HB 89, relative to the licensing process and license fees for hospitals and medical institutions or facilities. Ought to Pass with Amendment. Rep. Helen Wilson for Health and Welfare.

Enables the licensing agency to charge a licensing fee for facilities with inpatient beds, laboratories and facilities without inpatient beds. Licensing fee as established by amendment. Without establishing licensing fees, the licensing agency would have to ask for higher appropriations.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1. Application for License. Amend RSA 151:4, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. Applicants for license shall file applications under oath with department of health and welfare, division of public health services, upon forms prescribed and shall pay the license fee annually into the state treasury, or it shall be refunded to the applicant if the license is denied. Institutions operated by any unit or division of federal, state or local government, home health agencies and visiting nurses associations shall not be required to pay the license fee.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Licenses. Amend RSA 151:5 as amended by striking out said section and inserting in place thereof the following:

151:5 Licenses. Licenses issued hereunder shall expire one year after date of issuance, or upon such uniform dates annually, as the department of health and welfare, division of public health services, may prescribe by regulation. Licenses shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises. Fees for an annual license shall be:

facilities with inpatient beds	\$2.50 per
	bed per year
laboratories	\$350.00 per year
facilities without inpatient beds	\$50.00
	per year

Inpatient bed for the above purpose means: Bed held out for continuous overnight occupancy.

Amendment adopted.

Rep. Eugene Daniell moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke to his motion.

Reps. Helen Wilson, Nardi and Willey spoke against the motion.

Rep. Maglaras moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Referred to Appropriations.

HB 199, relative to the licensure of occupational therapists. Ought to Pass with Amendment. Rep. Spaulding for Health and Welfare.

The purpose of this is to establish licensure requirements for occupational therapists under the Board of Registration in Medicine. While encouraging proper utilization of occupational therapists it will also assure recognition of the skills and training required of this



profession. The annual renewal of licensure will insure quality care by requiring additional evidence of continued competency.

#### Amendment

Amend RSA 326-C:1, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. "Occupational therapy" means the application of knowledge of the effects of occupation, namely an activity in which one engages, upon individuals whose ability to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, poverty and cultural differences, physical injury or illness, or psychological and social disability, upon the referral of a licensed physician, utilizing task-oriented activities to prevent or correct deficits or to minimize the disabling effect of these deficits on the individual. Specific occupational therapy techniques include, but are not limited to, activities of daily living, the fabrication and application of splints, perceptual-motor and sensory integrative activities, the use of specifically designed crafts, guidance in the selection and use of adaptive equipment, exercises to enhance functional performance, and prevocational evaluation and treatment.

Amend RSA 326-c:3, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Notwithstanding the requirements of paragraph I, (c), an applicant who has actively practiced as an occupational therapy assistant for 4 years or its equivalent with a minimum of 6 months supervised field experience as an occupational therapy assistant may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapists.

Amendment adopted.

Referred to Appropriations.

HB 39, permitting towns to appropriate money for day care centers. Majority:

Ought to Pass with Amendment. Rep. Timothy O'Connor for Municipal and County Government; Minority (Reps. Gage, Faucher and McIver): Inexpedient to Legislate.

Majority: This bill is needed for those towns already raising the funds. Minority: Due to the fact this deletes group living homes, the Committee feels it is unfair inasmuch as the group living representatives were unaware of this action and were not heard from.

#### Amendment

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Day Care Centers. Amend RSA 31:4, XLVIII (supp) as inserted by 1974, 15:5 by striking out said paragraph and inserting in place thereof the following:

XLVIII. DAY CARE CENTERS. To support or aid day care centers. For the purposes of this paragraph, a day care center is an institution which is supervised and licensed pursuant to the provisions of RSA 161:2 to accommodate pre-school children and children through the third grade in school.

2 Effective Date. This act shall take effect March 8, 1977.

Rep. Beverly Gage moved that the Minority report, inexpedient to legislate, be substituted for the Majority report, ought to pass with amendment, and spoke to her motion.

Reps. Bednar and Pepitone spoke against the motion.

Rep. Marshall French spoke in favor of the motion.

Rep. Tucker moved that HB 39 be laid upon the table, and spoke to his motion.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 253 NAYS 91

YEAS 253

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Michael Hanson, Hildreth, Lawton, Marsh, Morin, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claffin, Found, Howard, Keller and Kenneth Smith.

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Terry Wiggin.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Hunt, Oleson, Theriault, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Buckman, Chambers, Clark, Copenhaver, Cornelius, Crory, Dearborn, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taylor, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Arnold, Aubut, Barrett, Belanger, Wilfred Boisvert, Bosse, Burke, Coburn, Colson, Mark Connolly, Corser, Margaret Cote, Coutermarsh, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Dupont, Clyde Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, LaFleur, Lamy, Lyons, Madigan, Marcoux, Martin, Martineau, McGlynn, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Nardi, Normand, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Peters, Plomaritis, Podles, Quigley, Record, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, St. George, Sullivan, Harold Thomson, Van Loan, Wallace, Welch, Emma Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Laurent Boucher, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Mullin, Pelton, Plourde, Ralph, Rice, Gerald Smith, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Chapman, Collins, Connors, Cotton, Cummings, Cunningham, Robert Day, DeCesare, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Greene, Griffin, Hartford, Kane, Krasker, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parr, Pucci, Richards, Sanborn, Scamman, Alfreda Smith, Stimmell, Stratton, Tavitian, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Canney, Walter Desmarais, Charles Grassie, Horrigan, Joos, Kincaid, Lefavour, Lessard, Malcomian, Meader, Morrisette, Nadeau, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Desnoyer, LeBrun, Palmer, Spaulding, Sara Townsend and Tucker.

#### NAYS 91

BELKNAP: Gary Dionne, Mansfield and James Murray.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Kenneth MacDonald and Towle.

CHESHIRE: Faucher, Fillback, Elmer Johnson, Slack, Vrakatitsis and Whipple.

COOS: Burns, Huggins, Keough, George Lemire, Patenaude, Mabel Richardson and Alcide Valliere.

GRAFTON: Aldrich, Ira Allen, George Cate, Myrl Eaton, Pepitone, Taffe and Michael Woodard.

HILLSBOROUGH: Ahern, Bednar, Bernier, Roland Boucher, Brack, Carswell, Coughlin, William Desmarais, Drevniak, Gabrielle Gagnon, Daniel Healy, Lachance, Levesque, Nemzoff-Berman, Kerry O'Connor, Arnold Perkins, Polak, Henry Richardson, Sing, Stylianos, Francis Sullivan, Geraldine Watson and Robert Wheeler.

MERRIMACK: Bellerose, Carroll, John Cate, Milton Cate, LaBonte, Rich, Doris Riley and Shepard.

ROCKINGHAM: Blake, Gaskill, Goff, Gould, Kashulines, King, Laycock, Lovejoy, Parolise, Quimby, Rogers, Rossley, Schwaner, Splaine, Vlack and Webster.

STRAFFORD: Appleby, Belhumeur, Donnelly, Bruce French, Hebert, Dianne Herchek, Kelly, Maglaras, Dennis Ramsey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Gray, Ingram and George Wiggins, and HB 39 was laid upon the table.

HB 134, permitting each town discretionary power to determine whether the trustees of trust funds publish a full or a summary report in the annual town report. Ought to Pass with Amendment. Rep. Whipple for Municipal and County Government.

This bill would allow those towns who wished, authority to publish a summary report by the trustees of the trust funds in the town report rather than a full report. This would correct an oversight of the last session leaving this amendment out.

The amendment deleting Paragraph III leaves cemetery reports to town discretion.

#### Amendment

Amend RSA 31:33 as inserted by section 1 of the bill by striking out paragraph III and renumbering paragraph IV to read as: III..

Amendment adopted.

Ordered to third reading.

HB 88, requiring refunds on soft drink and alcoholic malt beverage containers. Majority: Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs; Minority (Reps. Crory, Chapman, Pucci, Lefavour, Hogan, Parker and Found.) Ought to Pass with Amendment.

Majority: The majority of the Committee on Commerce and Consumer Affairs feels HB 88 is inexpedient to legislate because there is no appropriation to finance such a proposal; it would affect state revenues from the sale of beer; it would present a hardship on New Hampshire's small grocers, and would be inflationary resulting in higher cost to the New Hampshire consumers. Minority: The minority believes there is wide support for a mandatory container law. Testimony before the committee indicated that the increasing costs of energy, the need to conserve energy, and the indirect costs of litter clean up and waste disposal dictates a change from the present throw-away system. Availability of space in New Hampshire for continued sanitary land fill is also a concern. Reusing and recycling beverage containers will result in savings to the consumer. The vote in Committee was 10-6.

Rep. Marshall French moved that debate be limited to one hour equally divided.

Rep. Coutermarsh spoke in favor of the motion.

Adopted.

Rep. Chapman moved that the Minority report, ought to pass with amendment, be substituted for the Majority report, inexpedient to legislate, and spoke to his motion.

Rep. Lawton moved that HB 88 be indefinitely postponed, and spoke to his motion.

Reps. Parker, Blanchette, Chandler, Rogers, Leonard Smith, Sara Townsend, Ingram and Raymond Conley spoke against the motion.

Reps. Lamy, Slack, Burns, Daniel Eaton, Hildreth, Shepard and Coutermarsh spoke in favor of the motion.

A roll call was requested.  
Sufficiently seconded.

Reps. Nardi and Hebert abstained from voting under Rule 16.

(Speaker Presiding)  
YEAS 213 NAYS 155  
YEAS 213

BELKNAP: Goyette, Hildreth, Lawton, Marsh, James Murray and Sabbow.

CARROLL: Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.  
CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Faucher, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Lynch, Marshala, Matson, Moore, Russell, Scranton, Slack, Vrakatitsis, Whipple and Terry Wigin.

COOS: Burns, Cooney, Fortier, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Dearborn, Duhaime, Myrl Eaton, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Ainley, Aubut, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Burke, Margaret Cote, Coughlin, Coutermarsh, Cullity, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Gelinas, Girolimon, Granger, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Lachance, Lamy, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Martineau, McLaughlin, Miller, Fred Murray, Timothy O'Connor, Pappas, Paradis, Pelletier, Peters, Plomaritis, Podles, Polak, Quigley, Record, Simard, Sing, Soucy, Spirou, Stylianos, Kevin Sullivan, Francis Sullivan, Sweeney, Van Loan, Wallace, Geraldine Watson, Welch, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Camache, Richard Hanson, James Humphrey, Polly Johnson, LaBonte, Mullin, Packard, Plourde, Ralph, Doris Riley, Shepard, Gerald Smith, Tarr, Doris Thompson, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, William Boucher, Collins, Connors, Cotton, Cummings, Cunningham, DeCesare, Erler, Felch, Flanagan, Beverly Gage, Goff, Griffin, Kashulines, Laycock, Joseph McEachern, Norton, Parolise, Rossley, Scamman, Alfreda Smith, Stimmell, Webster, Helen Wilson and Wolfson.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, James Herchek, Kincaid, Maglaras, Maloomian, Meader, Nadeau, Preston, Dennis Ramsey, Ruel, Tripp and Shirley White.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, LeBrun, Lewko, Palmer, Scott, Spaulding, Tucker and George Wiggins.

NAYS 155

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Mansfield, Morin, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson and Found.

CHESHIRE: Chase, Fillback, Hogan, Krause, Ladd, Parker, Proctor, Margaret Ramsay and Terry.

COOS: Bradley Haynes, Patenaude and Poulin.

GRAFTON: George Cate, Chambers, Copenhaver, Cornelius, Crory, Gemmill, Neil McIver, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Arnold, Bernier, Brack, Brody, Carswell, Coburn, Colson, Mark Connolly, Corser, Currier, Catherine-Ann Day, Joseph Eaton, Nancy Gagnon, Cort Hansen, Head, Heald, Knight, Martin, McGlynn, Morgan, Morrison, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Arnold Perkins, Henry Richardson, Seamans, Edward Smith, Leonard Smith, St. George, Stahl, Wallin, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Blakeney, Chandler, Eugene Daniell, Foley, Kidder, Donna MacIvor, McLane, McNichol, Pelton, Arthur Perkins, Rice, Rich, Stefanides, Trachy and Robert Watson.

ROCKINGHAM: Aller, Appel, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Chapman, Robert Day, Dunfey, Carl Gage, Ganley, Gaskill, Gould, Greene, Hartford, Hoar, Kane, King, Krasker, Lovejoy,



Joseph MacDonald, Donna McEachern, Nelson, Niebling, O'Keefe, Parr, Pucci, Quimby, Richards, Rogers, Sanborn, Schwaner, Skinner, Splaine, Stratton, Tavitian, Vlack, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Dianne Herchek, Horrigan, Joos, Kelly, Lefavour, Lessard, Morrisette, Rod O'Connor, Osgood, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll and Allen Wilson.

SULLIVAN: Ingram, Lucas and Sara Townsend, and HB 88 was indefinitely postponed.

Rep. Martin wished to be recorded in favor of the motion, ought to pass with amendment.

Rep. Hess wished to be recorded against the motion of indefinite postponement.

Rep. Cutcliffe wished to be recorded in favor of HB 88.

Rep. Shea wished to be recorded against HB 88.

HB 45, relative to the sale of nonalcoholic and malt beverages in returnable containers. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt that there were far too many unanswered questions to realistically consider HB 45 at this time. Due to the unavoidable hardships to grocers and the increased prices of beverages, it was felt that the economy of the state could not endure a financial strain at this time. There will be a comprehensive recycling bill submitted during this session which appears to be a better solution to a complex problem.

Rep. Lamy moved that HB 45 be indefinitely postponed.  
Adopted.

HB 73, relative to mental health services for minors. Ought to Pass with Amendment. Rep. Blanchette for Health and Welfare.

As a preventive measure to avoid crisis situations for the minor in need of social services. This is necessary to promote the mental health of minors in emergency situations. The bill is safeguarded with age limitations, account for liability costs of services, defines precisely those considered to be of the mental health profession, and puts limitations on the number of visits the minor might attend without parental consent. Committee vote 13-3.

#### Amendment.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 126-C the following new chapter:

#### CHAPTER 126-D

Mental Health Services for Minors  
126-D:1 Declaration of Purpose. It is hereby declared to be the policy of this state to protect and promote the mental health of minors. It is also the policy of this state to strengthen family life wherever possible.

126-D:2 Definitions. In this chapter:  
I. "Mental health professional" means psychologists who are certified in this state, psychiatrists who are licensed to practice medicine in this state, social workers who are certified by the Academy of Certified Social Workers who are licensed in this state or who have a master's degree in social work and are practicing under supervision or pastoral counselors who are accredited by the American Association of Pastoral Counselors.

II. "Mental health services" means those professional services which provide counseling to help one achieve self-understanding or personal insight for a therapeutic purpose.

126-D:3 Mental Health Services for Minors. A mental health professional may provide mental health services to a minor who seeks such services and who is 14 years of age or older without the consent of a parent or legal guardian of such minor when such mental health professional has reason to believe that such minor is in need of mental health services, provided that within a reasonable time after such services are first provided such mental health professional notifies a parent or legal guardian of such minor that such services have been and may continue to be provided to such minor, or the mental health professional has reasonably determined that such knowledge would be harmful to the minor and would not tend to strengthen such minor's family life; and provided further that in no event shall such mental health professional provide such services for a period of time exceeding ten visits without the knowledge and consent of a parent or legal guardian of such minor, nor shall such mental health services include medication.

126-D:4 Parental Liability. Unless a minor's parent or legal guardian has been notified and has consented to the delivery of mental health services by a mental health professional, he shall not be liable for the costs of services provided pursuant to RSA 126-D:3.

126-D:5 Confidentiality. This chapter shall not affect the confidentiality of communications otherwise protected by law.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Madeline Townsend moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke to her motion.

Rep. Nighswander spoke against the motion.



## NAYS 235

(Rep. Marshall French in the Chair)

Reps. Emma Wheeler, Polly Johnson and Goff spoke in favor of the motion.

Reps. Hess, Dostilio, Wallin and Griffin spoke against the motion.

(Speaker in the Chair)

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Question being on the motion to substitute, inexpedient to legislate, for the committee report, ought to pass.

(Speaker presiding)

YEAS 127 NAYS 235

YEAS 127

BELKNAP: Marsh, Morin and James Murray.

CARROLL: Howard, Keller and Towle.

CHESHIRE: Callahan, Faucher, Fillback, Anne Gordon, Elmer Johnson, Marshala, Matson, Vrakatitsis and Whipple.

COOS: Keough, George Lemire, Mabel Richardson, Alcide Valliere, Willey and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Crory, Dearborn, Duhaime, Myrl Eaton, McAvoy, Pepitone, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Aubut, Barrett, Bednar, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Burke, Coburn, Joseph Cote, Dupont, Clyde Eaton, Gabrielle Gagnon, Gelinas, Granger, Daniel Healy, Thomas Hynes, Karnis, Levesque, Madigan, Marcoux, Martineau, McDonough, Morgan, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Podles, Polak, Record, Henry Richardson, Seamans, Simard, Sing, Soucy, Stylianos, Sweeney, Harold Thomson, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Polly Johnson, Donna MacIvor, Mullin, Ralph, Shepard, Gerald Smith and Waters.

ROCKINGHAM: Blake, Erler, Goff, Kane, Kashulines, King, Lovejoy, Norton, Richards, Rogers, Tavitian, Vlack and Wolfesen.

STRAFFORD: Belhumeur, Canney, Walter Desmarais, Donnelly, Joos, Lefavour, Maloomian, Nadeau, Osgood, Dennis Ramsey and Tripp.

SULLIVAN: Barrus, Burrows, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer and George Wiggins.

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Lawton, Mansfield, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Galloway, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Moore, Parker, Proctor, Margaret Ramsey, Russell, Scranton, Terry and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Oleson, Patenaude, Poulin, Theriault, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Gemmill, Hough, LaMott, Logan, Mann, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Belanger, Bernier, Emile Boisvert, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Nancy Gagnon, Girolimon, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Keefe, Knight, Lachance, Lamy, LaPlante, Armand Lemire, Lyons, McGlynn, McLaughlin, Miller, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand Kerry O'Connor, O'Neil, Orcutt, Peters, Quigley, Edward Smith, Leonard Smith, Spirow, St. George, Stahl, Kevin Sullivan, Francis Sullivan, Van Loan, Wallace, Wallin, Welch and M. Arnold Wight.

MERRIMACK: Blakeney, Bodi, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Kidder, LaBonte, McLane, McNichol, Packard, Pelton, Arthur Perkins, Plourde, Rice, Rich, Doris Riley, Stefanides, Doris Thompson, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Benton, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Robert Day, DeCesare, Dunfee, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gould, Greene, Griffin, Hartford, Hoar, Kraker, Laycock, Joseph McEachern, Nelson, Niebling, O'Keefe, Parolise, Parr, Pucci, Quimby, Rossley, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Webster, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Burchell, Bruce French, Charles, Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Kelly, Kincaid, Maglaras, Meader, Morrisette,

Rod O'Connor, Preston, Ruel, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Lucas, Scott, Spaulding, Sara Townsend and Tucker, and the motion failed.

Ordered to third reading.

Reps. Chapman and Pappas wished to be recorded against the motion to substitute inexpedient to legislate.

HB 114, establishing a food-service code in regulating food-service establishments and making an appropriation therefor. Majority: Ought to Pass with Amendment. Rep. Lynch for Health and Welfare; Minority (Rep. Daniell): Ought to Pass with Amendment.

Majority: The bill provides for enforcement of the New Hampshire Sanitation Code in regulating food-service establishments by requiring licensing of such establishments. The bill also requires regular inspections and grants the director of the local public health authority to make rules and regulations to deal with violations and provide penalties for violation of this.

Minority: Bill as submitted places undue burden on small establishments.

#### Majority Amendment

Amend RSA 143-A:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

143-A:3 Establishments Exempted. The following establishments shall be exempt from the licensing requirements of this chapter:

I. Any food-service establishment which is licensed by a local health authority approved by the director under the provisions of RSA 143-A:18

II. Any church, governmental, charitable or fraternal organization serving food in connection with its activities, but not routinely to transients.

III. All establishments subject to licensure under the provisions of RSA 149:21 or RSA 151:2.

Amend RSA 143-A:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

143-A:8 Suspension of License.

Whenever the director or his authorized representative finds repeated violations of these regulations or unsanitary or other conditions in the operation of a food-service establishment or temporary food-service establishment which, in his judgment, constitute a substantial hazard to the public health, he may without warning, notice or hearing issue a written notice to the license holder citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and such notice shall state that

the license is immediately suspended and all food-service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately with such order, but upon written petition to the health authority shall be afforded a hearing within 15 days of such petition.

Amend RSA 143-A:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

143-A:14 Approval of Plans. When a food-service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout arrangement, and construction of materials of work areas, and the location, size and type of fixed equipment and facilities shall be submitted in duplicate to the director and within 7 working days the director shall notify the applicant of approval or list the non-standard items in his plan.

Amend RSA 143-A:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

143-A:15 Food-Service Equipment. All new multi-use utensils and equipment shall meet current national sanitation foundations standards or their equivalent as determined by the director. If no standard exists for the item it shall be determined satisfactory if it is so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair, and the food-contact surfaces of such equipment and utensils shall be in addition easily accessible for cleaning, non-toxic, corrosion-resistant and relatively non-absorbent.

Amend RSA 143-A:18, V as inserted by section 1 of the bill by striking out same.

Amend RSA 143-A as inserted by section 1 of the bill by striking out section 5 and renumbering the original sections 6 through 19 to read as

5	6	7	8	9	10
11	12	13	14	15	16
17	and	18	respectively.		

Amendment adopted.

Rep. Eugene Daniell moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke to this motion.

Rep. Kenneth Smith moved that HB 114 be indefinitely postponed and spoke to his motion.

Reps. Howard and Parr spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

Rep. Kenneth Smith abstained from voting under Rule 16.

(Speaker presiding)

YEAS 194 NAYS 159

YEAS 194

BELKNAP: Ambrose, Beard, Goyette, Lawton, Mansfield, Marsh, James Murray, Sabbow and Sanders.

CARROLL: Claflin, Found, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Chase, Daniel Eaton, Faucher, Fillback, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Ladd, Marshala, Matson, Moore, Parker and Slack.

COOS: Cooney, Fortier, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Snell, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Aubut, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Burke, Coburn, Joseph Cote, Coutermarsh, Cullity, Currier, William Desmarais, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinass, Granger, Cort Hansen, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Lachance, Armand Lemire, Levesque, Madigan, Martineau, McLaughlin, Miller, Morgan, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Polak, Quigley, Record, Seamans, Simard, Sing, Edward Smith, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Gamache, Polly Johnson, Donna MacIvor, Packard, Arthur Perkins, Plourde, Ralph, Rice, Doris Riley, Shepard, Gerald Smith and Doris Thompson.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, William Boucher, Collins, Connors, Cummings, Cunningham, Robert Day, DeCesare, Flanagan, Carl Gage, Gould, Griffin, Kane, King, Laycock, Lovejoy, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Richards, Rogers, Scamman, Skinner, Alfreda Smith, Tavitian, Webster and Wolfson.

STRAFFORD: Canney, Walter, Desmarais, Donnelly, Dianne Herchek, Joos, Lefavour, Meader, Preston, Dennis Ramsey, Ruel and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, LeBrun, Lucas, Palmer, Scott and George Wiggins.

NAYS 159

BELKNAP: Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Morin, Nighswander and Kenneth Randall.

CARROLL: Roderick Allen.

CHESHIRE: Callahan, Close, Dostilio, Galloway, Krause, Lynch, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis, Whipple and Terry Wiggin.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Gemmill, Hough, Rounds, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Arnold, Bernier, Roland Boucher, Brack, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, Nancy Gagnon, Girolimon, Head, Knight, LaPlante, Lyons, Marcoux, McDonough, McGlynn, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Podles, Henry Richardson, Leonard Smith, St. George, Stahl, Sullivan, Van Loan, Wallin, Welch, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bibbo, Blakeney, Foley, Hess, Kidder, LaBonte, McNichol, Mullin, Pelton, Rich, Tarr, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

STRAFFORD: Appleby, Belhumeur, Burchell, Bruce French, Charles Grassie, Hebert, James Herchek, Horrigan, Kelly, Kincaid, Maglaras, Maloomian, Morrisette, Nadeau, Rod O'Connor, Osgood, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Burrows, Ingram, Lewko, Spaulding and Tucker, and HB 114 was indefinitely postponed.

Rep. Richard Hanson wished to be recorded in favor of the motion to substitute inexpedient to legislate.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Cotton, for the Portsmouth Delegation, offered the following:

## HOUSE RESOLUTION NO. 14

eulogizing Captain Edward A. Riley, Jr.  
USAF and Captain Jeremiah F.

Sheehan, USAF

WHEREAS, Captain Edward A. Riley, Jr. and Captain Jeremiah F. Sheehan were tragically killed on February 14, 1977 when their FB-111A aircraft crashed in Abingdon, Virginia; and

WHEREAS, Captain Riley and Captain Sheehan were stationed at Pease Air Force Base, New Hampshire; and

WHEREAS, both men dedicated their lives in defense of this country; Captain Riley having served for eight and one half years in the Air Force and Captain Sheehan for seven and one half years in the Air Force; and

WHEREAS, these courageous Air Force officers gave their lives while on a training mission; and

WHEREAS, the House of Representatives wishes to pay its deepest respect to these two men; now, therefore, be it

RESOLVED by the House of Representatives:

That we express our deepest sorrow to the family and friends of these officers; and

That we take a moment of silence in their memory; and

That a copy of this resolution be forwarded to the families of Captain Riley and Captain Sheehan.

Adopted by a rising vote and a minute of silent prayer.

#### HOUSE RESOLUTION NO. 15

Rep. Marshall French offered the following:

RESOLVED, that any request for drafting of a House bill, House resolution or Bill of Intent by a House member which is not signed by him approving its introduction on or before April 14 at 5:00 p.m. may not be introduced unless approved by the House Rules Committee or by suspension of the House Rules by the necessary two-thirds.

Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 3 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 102, prohibiting the removal of serial numbers from certain products.

HB 123, relating to the establishment of complementary facilities by banks.

HB 73, relative to mental health services for minors.

HB 134, permitting each town discretionary power to determine whether the trustees of trust funds publish a full or a summary report in the annual town report.

SB 86, making an appropriation for capital improvements at Winnisquam lake dam.

#### RECONSIDERATIONS

Rep. Coutermarsh moved that the House reconsider its action whereby it indefinitely postponed HB 88, requiring refunds on soft drink and alcoholic malt beverage containers.

Reconsideration lost.

Rep. Plourde moved that the House reconsider its action whereby it indefinitely postponed HB 45, relative to the sale of nonalcoholic and malt beverages in returnable containers.

Reconsideration lost.

Rep. Eugene Daniell moved that the House reconsider its action whereby it indefinitely postponed HB 114, establishing a food-service code in regulating food-service establishments and making an appropriation therefor.

Reconsideration lost.

368 members were recorded present.

#### RECESS

(Rep. Marshall French in the Chair)

Rep. Aldrich offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 484 through 501 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF BILLS

First, second reading and referral  
HB 484, to reimburse towns and cities for educational costs of foster children and making an appropriation therefor.  
(Roberts of Belknap Dist. 4 - To Education)

HB 485, providing a fair and equitable means of taxing certain boats and collecting the tax revenue for the cities and towns. (French of Belknap Dist. 1 - To Transportation)

HB 486, making a supplemental appropriation to the department of safety.  
(Polak of Hillsborough Dist. 14- To Transportation)

HB 487, providing for the recompilation of volume 3 of the Revised Statutes Annotated and making an appropriation therefor. (Frizzell of Sullivan Dist. 7; Perkins of Merrimack Dist. 18 - To Legislative Administration)

HB 488, making an appropriation for an emergency operations center for the state civil defense agency. (Allen of Grafton Dist. 1 - To Public Works)

HB 489, providing for payment of a claim to Pearl C. Smith and making an appropriation therefor. (Packard of Merrimack Dist. 4 - To Claims, Military and Veterans Affairs)

HB 490, providing for the payment of a claim to Bessie Timbas and making an appropriation therefor. (Spirou of Hillsborough Dist. 27 - To Claims, Military and Veterans Affairs)

HB 491, redefining the term "public employee" as used in the public labor relations law. (Boisvert of Hillsborough Dist. 22; Gagnon of Hillsborough Dist. 21; Wallace of Hillsborough Dist. 22; Keefe of



Hillsborough Dist. 23; Sing of Hillsborough Dist. 22 - To Labor, Human Resources and Rehabilitation)

HB 492, relative to Sunday business activities. (Boisvert of Hillsborough Dist. 22; Sing of Hillsborough Dist. 23; Keefe of Hillsborough Dist. 23; Wallace of Hillsborough Dist. 22; Gagnon of Hillsborough Dist. 21 - To Commerce and Consumer Affairs)

HB 493, relative to the legacy and succession tax. (Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Ways and Means)

HB 494, establishing a staggered registration system for motor vehicles and changing registration and municipal permit fees. (Packard of Merrimack Dist. 4 - To Transportation)

HB 495, relative to a charge for checks returned to a city or town as uncollectible. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 496, making the interest due on taxes not timely paid a uniform 9 per cent. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 497, relative to the distribution of dog license fees and making an appropriation therefor. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 498, relative to the state's burden of proof in recommittal hearings for the criminally insane. (Kidder of Merrimack Dist. 1 - To Judiciary)

HB 499, to provide that administration of medicines by certain persons does not constitute nursing. (O'Connor of Strafford Dist. 18, Department of Health and Welfare - To Health and Welfare)

HB 500, authorizing cities, towns, counties, village and school districts to secure payroll and other fiscal obligations processing services. (Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Municipal and County Government)

HB 501, establishing an education equalization fund. (Scamman of Rockingham Dist. 15 - To Education)

#### ENROLLED BILLS REPORT

SB 86, making an appropriation for capital improvements at Winnisquam lake dam.

Rep. James J. White  
For the Committee

RECESS

(Speaker in the Chair)

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 502 and 503 shall be by this resolution read a first and second time by the therein listed titles and laid on the table for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First and second reading and referral.

HB 502, making an appropriation for construction of a facility for the criminally insane on the grounds of the New Hampshire hospital. (Roberts of Belknap Dist. 4; Cate of Merrimack Dist. 14; Daniels of Hillsborough Dist. 25 - To State Institutions and Judiciary)

HB 503, relative to establishing a driver alcohol retraining program and making an appropriation therefor. (Ayres of Merrimack Dist. 8; Sen. Jacobson of Dist. 7 - To Judiciary and Transportation)

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 504 through 617 shall be by this resolution read a first and second time by the therein listed titles and laid on the table for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF BILLS

First, second reading and referral

HB 504, authorizing the payment of a shift differential to certain employees of the New Hampshire hospital, Laconia state school and New Hampshire home for the elderly and making an appropriation therefor. (Howard of Carroll Dist. 1; Wilson of Rockingham Dist. 2, for Department of Health and Welfare - To Executive Departments and Administration)

HB 505, relative to parking facilities at Hampton Beach and making an appropriation therefor. (Cunningham of Rockingham Dist. 12; Norton of Rockingham Dist. 12, for Department of Resources and Economic Development - To Resources, Recreation and Development)

HB 506, authorizing an additional racing day to benefit vocational rehabilitation services. (Lessard of Strafford Dist. 20; Meader of Strafford Dist. 14; Ladd of Cheshire Dist. 3; Nadeau of Strafford Dist. 10 - To Regulated Revenues)

HB 507, establishing centralized microfilming for the state and making an appropriation therefor. (French of Belknap Dist. 1 - To Executive Departments and Administration)

HB 508, relative to taxation of electric plants, refineries and pipelines. (Quimby of Rockingham Dist. 4; Wallin of Hillsborough Dist. 16 - To Ways and Means)

HB 509, relative to installing motorist aid call boxes on the interstate highways and making an appropriation therefor. (Boisvert of Hillsborough Dist. 31; Boisvert of Hillsborough Dist. 22 - To Transportation)

HB 510, providing a limit on credit for retailers, vendors and subjobbers of tobacco products and increasing fees for wholesalers, subjobbers and retailers of tobacco products. (Parr of Rockingham Dist. 12; Sen. Rock of Dist. 12 - To Ways and Means)

HB 511, relative to regulation of refrigeration technicians. (Cate of Merrimack Dist. 14 - To Commerce and Consumer Affairs)

HB 512, imposing a tax on resident and nonresident income to reimburse cities and towns for revenue lost because of tax exemptions and making an appropriation therefor. (Sackett of Strafford Dist. 4; Mann of Grafton Dist. 6; Niebling of Rockingham Dist. 13 - To Ways and Means)

HB 513, creating an office of youth services and an advisory commission on youth and making an appropriation therefor. (O'Connor of Strafford Dist. 18; Cornelius of Grafton Dist. 13; Wilson of Rockingham Dist. 2 - To Health and Welfare)

HB 514, establishing a number of positions in the division of welfare to investigate child abuse and neglect cases, and making an appropriation therefor. (Rice of Merrimack Dist. 20 - To Health and Welfare)

HB 515, establishing a study committee to investigate costs and methods necessary to update the record-keeping functions in the office of the secretary of state. (White of Hillsborough Dist. 27 - To Legislative Administration)

HB 516, authorizing the operation of remote control amusement machines in this state. (Boucher of Merrimack Dist. 6; Polak of Hillsborough Dist. 14 - To Regulated Revenues)

HB 517, providing for the acquisition of Pine River forest. (Allen of Carroll Dist. 5; Keller of Carroll Dist. 5 - To Resources, Recreation and Development)

HB 518, relative to retirement benefits for teachers who retired prior to 1957. (Townsend of Sullivan Dist. 1; O'Connor of Strafford Dist. 18 - To Executive Departments and Administration)

HB 519, relative to licensing hearing aid specialists. (Sanders of Belknap Dist. 4; Ziakas of Hillsborough Dist. 33; Coutermarsh of Hillsborough Dist. 24; Day of Hillsborough Dist. 26; Donnelly of Strafford Dist. 17; Belhumeur of Strafford Dist. 21; Beard of Belknap Dist. 5; Ambrose of Belknap Dist. 1; Appleby of Strafford Dist. 11; French of Strafford Dist. 21; Sen. Rock of Dist 12; Sen. Healy of Dist. 16; Sen. Gardner of Dist. 4; Sen. Lamontagne of Dist. 1 - To Commerce and Consumer Affairs)

HB 520, appropriating funds for construction to protect Hampton beaches. (Norton of Rockingham Dist. 12; Parr of Rockingham Dist. 12; Sen. Preston of Dist. 23 - To Public Works)

HB 521, continuing programs for the arts commission and making an appropriation therefor. (Corser of Hillsborough Dist. 2; Chambers of Grafton Dist. 13; Bowler of Belknap Dist. 3; Martin of Hillsborough Dist. 10; Poulin of Coos Dist. 9; Sanders of Belknap Dist. 4; Nardi of Hillsborough Dist. 27; Wallin of Hillsborough Dist. 16; Spirou of Hillsborough Dist. 27; Smith of Hillsborough Dist. 14; O'Neil of Hillsborough Dist. 32; Cote of

Hillsborough Dist. 19; Morrison of Hillsborough Dist. 14; Campbell of Rockingham Dist. 5; Sackett of Strafford Dist. 4; McGlynn of Hillsborough Dist. 21; Humphrey of Merrimack Dist. 11; Stahl of Hillsborough Dist. 17; C. Winn of Hillsborough Dist. 19; Orcutt of Hillsborough Dist. 8; Taylor of Grafton Dist. 9; Oleson of Coos Dist. 5; Nemzoff-Berman of Hillsborough Dist. 18; Ward of Grafton Dist. 1; Lyons of Hillsborough Dist. 13 - To Education)

HB 522, increasing the fee for initial number plates from \$5 to \$10. (White of Hillsborough Dist. 27 - To Transportation)

HB 523, authorizing payment to Merrimack county for services rendered and making an appropriation therefor. (Kidder of Merrimack Dist. 1 - To Health and Welfare)

HB 524, establishing a special committee to study county health care delivery systems and making an appropriation therefor. (Head of Hillsborough Dist. 10 - To Health and Welfare)

HB 525, authorizing a transfer of funds between two projects in the 1975 capital budget. (Cummings of Rockingham Dist. 7; Sen. Brown of Dist. 19; Sen. Sanborn of Dist. 17 - To Public Works)

HB 526, transferring liquor inspectors from group I of the retirement system or the state employees' retirement system to group II and making an appropriation therefor. (Coutermarsh of Hillsborough Dist. 24; D'Amante of Sullivan Dist. 5 - To Executive Departments and Administration)

HB 527, increasing the rate of the business profits tax, allocating the increase in revenue and prohibiting a limitation in revenue returnable to cities and towns. (White of Hillsborough Dist. 27 - To Ways and Means)

HB 528, establishing a state equal employment opportunity office. (Morrison of Hillsborough Dist. 14; Sen. Hancock of Dist. 15; Rep. Cornelius of Grafton Dist. 13 - To Executive Departments and Administration)

HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor. (D'Amante of Sullivan Dist. 5 - To Judiciary)

HB 530, providing for payment of a claim to David Laurie and making an appropriation therefor. (Wiggins of Sullivan Dist. 8 - To Claims, Military and Veterans Affairs)

HB 531, to extend aid to families with dependent children to families with unemployed parents and making an appropriation therefor. (McLane of Merrimack Dist. 16; Pelton of Merrimack Dist. 3 - To Health and Welfare)

HB 532, increasing the salary of certain psychologists in the state classified service and making an appropriation therefor. (McLane of Merrimack Dist. 16 - To Executive Departments and Administration)

HB 533, relating to certificate of need. (Goff of Rockingham Dist. 5; Spaulding of Sullivan Dist. 4; Conley of Carroll Dist. 3; McAvoy of Grafton Dist. 1; Knight of Hillsborough Dist. 8; Daniell of Merrimack Dist. 13 - To Health and Welfare.)

HB 534, to amend the New Hampshire retirement system to include the chief of fire service training under the definition of "permanent firemen". (Hanson of Merrimack Dist. 5 - To Executive Departments and Administration)

HB 535, relative to the distribution of the interest and dividends tax. (Quimby of Rockingham Dist. 4; Wallin of Hillsborough Dist. 16 - To Ways and Means)

HB 536, increasing the rate of the business profits tax and changing the method of distributing revenue to cities and towns. (Wallin of Hillsborough Dist. 16; Quimby of Rockingham Dist. 4 - To Ways and Means)

HB 537, relative to licensing pet shops and certain animal shelters. (Packard of Merrimack Dist. 4 - To Commerce and Consumer Affairs)

HB 538, relative to road betterments and making an appropriation therefor. (Allen of Carroll Dist. 5; Lucas of Sullivan Dist. 6; O'Connor of Strafford Dist. 18; Splaine of Rockingham Dist. 19 - To Public Works)

HB 539, relative to the disclosure of potential conflict of interest by public servants, establishing a state ethics commission and making an appropriation therefor. (Townsend of Sullivan Dist. 1; Ward of Grafton Dist. 1; Wallin of Hillsborough Dist. 16; Lessard of Strafford Dist. 20; Splaine of Rockingham Dist. 19; Morrison of Hillsborough Dist. 14; Dunfey of Rockingham Dist. 12; O'Neil of Hillsborough Dist. 32; Pelton of Merrimack Dist. 3; Hanson of Belknap Dist. 5; Burchell of Strafford Dist. 12; Carpenito of Rockingham Dist. 5; Corser of Hillsborough Dist. 2; Trachy of Merrimack Dist. 13 - To Executive Departments and Administration)

HB 540, granting the fiscal committee of the general court certain authority over sweepstakes programs. (White of Hillsborough Dist. 27. - To Regulated Revenues.)

HB 541, establishing a Livermore Falls Gorge study commission and making an appropriation therefor. (Taylor of Grafton Dist. 9; Sen. Smith of Dist. 3; Dearborn of Grafton Dist. 11 - To Resources, Recreation and Development)

HB 542, relative to a state-wide mandatory solid waste recycling program and making an appropriation therefor. (Greene of Rockingham Dist. 17, for Department of Health and Welfare - To Environment and Agriculture)

HB 543, relative to the regulation of strip mining and making an appropriation therefor. (Poulin of Coos Dist. 9; Oleson of Coos Dist. 5 - To Environment and Agriculture)

HB 544, increasing the real estate transfer tax; dedicating the increased revenue to open space land acquisition; and providing for the acquisition of open space land. (Chambers of Grafton Dist. 13; Heald of Hillsborough Dist. 5; Ganley of Rockingham Dist. 13 - To Environment and Agriculture)

HB 545, providing for the licensing of social workers on a trial basis and making an appropriation therefor. (Cornelius of Grafton Dist. 13; Hess of Merrimack Dist. 6 - To Health and Welfare)

HB 546, relative to detective and security agencies. (McLaughlin of Hillsborough Dist. 16 - To Commerce and Consumer Affairs)

HB 547, establishing a state gaming commission and authorizing the establishment of state operated casinos and state controlled slot machine gambling. (Allen of Grafton Dist. 1; D'Amante of Sullivan Dist. 5 - To Regulated Revenues)

HB 548, paying the town of Plymouth for fire protection rendered Plymouth state college and making an appropriation therefor. (Dearborn of Grafton Dist. 11 - To Municipal and County Government)

HB 549, paying the town of Plymouth for incinerator services rendered to Plymouth state college and making an appropriation therefor. (Dearborn of Grafton Dist. 11 - To Municipal and County Government)

HB 550, relative to agreements with veterinary medical schools to provide education to qualified New Hampshire residents. (McLane of Merrimack Dist. 16; Campbell of Rockingham Dist. 5 - To Education)

HB 551, relating to strengthening the powers of the collection division of the department of revenue administration. (Bednar of Hillsborough Dist. 14; McLane of Merrimack Dist. 16, for Department of Revenue Administration - To Executive Departments and Administration)

HB 552, authorizing a joint survey by the department of resources and economic development and the department of public works and highways to determine the costs of replacing the Hampton beach seawall and making an appropriation therefor. (Norton of Rockingham Dist. 12; Parr of Rockingham Dist. 12; Sen. Preston of Dist. 23 - To Public Works.)

HB 553, relative to search and rescue operations; establishing a search and rescue review board and making an appropriation therefor. (Dickinson of Carroll Dist. 2; Hanson of Merrimack Dist. 5 - To Executive Departments and Administration)

HB 554, creating a model litter control act and making an appropriation therefor. (Boucher of Rockingham Dist. 3 - To Environment and Agriculture)

HB 555, creating a state historical records advisory board and making an appropriation therefor. (Gemmill of Grafton Dist. 10 - To Executive Departments and Administration)



HB 556, authorizing certain stores to sell table wine. (Tucker of Sullivan Dist. 4; Townsend of Sullivan Dist. 1; D'Amante of Sullivan Dist. 5 - To Regulated Revenues)

HB 557, providing for the regulation of water treatment plant operators and water distribution system personnel. (Lessard of Strafford Dist. 20; Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 558, relative to acquisition of a certain dam and water rights. (Humphrey of Merrimack Dist. 11 - To Resources, Recreation and Development)

HB 559, relative to the reorganization of the New Hampshire transportation authority. (Hoar of Rockingham Dist. 8; Allen of Carroll Dist. 5; Hunt of Coos Dist. 2; Coutermarsh of Hillsborough Dist. 24; Humphrey of Merrimack Dist. 11; Foley of Merrimack Dist. 1; Sen. Brown of Dist. 19; Sen. Sanborn of Dist. 17; Sen. Downing of Dist. 22 - To Executive Departments and Administration)

HB 560, providing for community alcoholism services and making an appropriation therefor. (Knight of Hillsborough Dist. 8; Griffin of Rockingham Dist. 19; Sen. Hancock of Dist. 15; Sen. Jacobson of Dist. 7; Sen. Gardner of Dist. 4; Terry of Cheshire Dist. 16; Head of Hillsborough Dist. 10; Callahan of Cheshire Dist. 2; Vlack of Rockingham Dist. 9; Ward of Grafton Dist. 1; O'Connor of Strafford Dist. 18 - To Health and Welfare)

HB 561, relative to licensing psychologists and regulating the practice of psychology. (Spirou of Hillsborough Dist. 27; Coutermarsh of Hillsborough Dist. 24 - To Health and Welfare)

HB 562, relative to the establishment of a human rights committee for the developmentally disabled. (Hanson of Belknap Dist. 5 - To Health and Welfare)

HB 563, establishing a sexual assault reporting and prosecution unit within the division of state police and making an appropriation therefor, and mandating special investigators in certain cities and towns. (Morrison of Hillsborough Dist. 14 - To Judiciary.)

HB 564, relating to hospital, medical and non-profit health service corporations. (Wiggins of Sullivan Dist. 8 - To Commerce and Consumer Affairs)

HB 565, providing for payment of a claim to Barbara Cyr and making an appropriation therefor. (Hildreth of Belknap Dist. 6 - To Claims, Military and Veterans Affairs)

HB 566, establishing a training program in the department of revenue administration for local officials having fiscal responsibilities and making an appropriation therefor. (Wiggins of Sullivan Dist. 8 - To Municipal and County Government)

HB 567, relative to the New Hampshire retirement system cost of living increases. (Hildreth of Belknap Dist. 6 - To Executive Departments and Administration)

HB 568, establishing a tax relief program for the elderly based on property tax or rental expenditures and making an appropriation therefor. (Townsend of Sullivan Dist. 1; Sen. Blaisdell of Dist. 10; Hanson of Belknap Dist. 5; Lucas of Sullivan Dist. 6 - To Ways and Means)

HB 569, amending the charter of Coe-Brown Northwood academy. (King of Rockingham Dist. 1; Stimmell of Rockingham Dist. 1; Sen. Sanborn of Dist. 17 - To Education)

HB 570, relative to the police standards and training council and making an appropriation therefor. (Frizzell of Sullivan Dist. 7 - To Executive Departments and Administration)

HB 571, establishing area councils for the handicapped and making an appropriation therefor. (Wiggin of Cheshire Dist. 14 - To Health and Welfare)

HB 572, relative to the custody of moneys raised for or received by various agencies of municipal government and the timely deposit of funds paid to town treasurer. (Bednar of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3; Wiggins of Sullivan Dist. 8, for the Department of Revenue Administration - To Municipal and County Government)

HB 573, providing for the acquisition of certain dams and water rights by the water resources board and making an appropriation therefor. (Heald of Hillsborough Dist. 5; Sen. Sanborn of Dist. 17; Sen. Blaisdell of Dist. 10, for Department of Resources and Economic Development - To Resources, Recreation and Development)

HB 574, providing for the acquisition of the Hawkins pond dam in the town of Center Harbor and making appropriation for the repair or reconstruction of same. (French of Belknap Dist. 1; Ambrose of Belknap Dist. 1; Taylor of Grafton Dist. 9 - To Resources, Recreation and Development)

HB 575, increasing the appropriation from \$6,000 to \$10,000 for a continuing boat tax fund administered by the department of revenue administration. (Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Appropriations)

HB 576, permitting the establishment of a state gambling casino and making an appropriation therefor. (Cote of Hillsborough Dist. 28 - To Regulated Revenues)

HB 577, licensing stationary steam engineers and boiler operators and making an appropriation therefor. (Bednar of Hillsborough Dist. 14 - To Commerce and Consumer Affairs)

HB 578, requiring certificates of competency, permits and bonds of explosive blasters and fireworks operators. (Marsh of Belknap Dist. 2 - To Public Works)

HB 579, amending the interest and dividends tax relative to the rate, method of distribution, and number of exemptions for the elderly or blind. (Boucher of Merrimack Dist. 6; Goff of Rockingham Dist. 5 - To Ways and Means)



HB 580, relating to deductions from gross business profits in determining taxable business profits and to the return of revenue to cities and towns. (Wiggins of Sullivan Dist. 8; Boucher of Merrimack Dist. 6 - To Ways and Means)

HB 581, relating to the payment of costs of examinations of insurance companies. (Boucher of Merrimack Dist. 6 - To Commerce and Consumer Affairs)

HB 582, providing for additional state revenue. (Boucher of Merrimack Dist. 6 - To Ways and Means.)

HB 583, relating to the reconstruction and road repair of the North Walpole steel arch bridge between Walpole, New Hampshire and Bellows Falls, Vermont and making an appropriation therefor. (Hogan of Cheshire Dist. 1 - To Public Works)

HB 584, imposing a tax on capital gains. (McLane of Merrimack Dist. 16 - To Ways and Means)

HB 585, to increase the salaries of state classified employees and making an appropriation therefor. (Bodi of Merrimack Dist. 7 - To Executive Departments and Administration)

HB 586, to provide for the licensing and regulation of plumbers and making an appropriation therefor. (LaMott of Grafton Dist. 6; White of Hillsborough Dist. 27; Ward of Grafton Dist. 1; Kashulines of Rockingham Dist. 3-A - To Commerce and Consumer Affairs)

HB 587, relating to the state health planning and development agency. (Goff of Rockingham Dist. 5; Howard of Carroll Dist. 1; Knight of Hillsborough Dist. 8; Conley of Carroll Dist. 3 - To Executive Departments and Administration)

HB 588, establishing a human virus diagnostic laboratory in the division of public health and making an appropriation therefor. (Hildreth of Belknap Dist. 6, for Department of Health and Welfare - To Executive Departments and Administration)

HB 589, providing for payment of claim to Mrs. Arthur Larrivee and making an appropriation therefor. (Ward of Grafton Dist. 1; Sen. Poulsen of Dist. 2 - To Claims, Military and Veterans Affairs)

HB 590, relative to a return transfer of funds from the division of welfare to the division of mental health. (Nardi of Hillsborough Dist. 27; Ward of Grafton Dist. 1; Chambers of Grafton Dist. 13; Spaulding of Sullivan Dist. 4; Nighswander of Belknap Dist. 2; McLane of Merrimack Dist. 16; Sackett of Strafford Dist. 4; Boisvert of Hillsborough Dist. 22; Scranton of Cheshire Dist. 16; Brack of Hillsborough Dist. 28; Krasker of Rockingham Dist. 22; Smith of Rockingham Dist. 5; Pound of Carroll Dist. 2; Wallin of Hillsborough Dist. 16; Rice of Merrimack Dist. 20 - To Health and Welfare)

HB 591, providing for the restructuring of the Hooksett liquor stores and making an appropriation therefor and repealing the authorization for an addition to the Concord store. (Wiggins of Sullivan Dist. 8; Boucher of Merrimack Dist. 6)

HB 592, relative to the fee for obtaining a license to use radioactive materials. (Horrian of Strafford Dist. 4)

HB 593, permitting a licensee or a holder of an "on sale" permit to sell at another location under certain conditions. (Smith of Carroll Dist. 3 - To Regulated Revenues)

HB 594, relative to licensing real estate appraisers. (J. Herchek of Strafford Dist. 16; Pucci of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 595, relative to exemption from the business profits tax. (Boucher of Merrimack Dist. 6 - To Ways and Means)

HB 596, amending the real estate transfer tax. (Goff of Rockingham Dist. 5; Boucher of Merrimack Dist. 6 - To Ways and Means)

HB 597, relative to the application and expenditure of federal funds and making an appropriation therefor. (Ward of Grafton Dist. 1; Nardi of Hillsborough Dist. 27; Sen. Trowbridge of Dist. 11; Kidder of Merrimack Dist. 1 - To Legislative Administration)

HB 598, establishing a bureau of marine services in the department of resources and economic development and making an appropriation therefor. (Maynard of Rockingham Dist. 18, for Department of Resources and Economic Development - To Resources, Recreation and Development)

HB 599, creating a unified court system, establishing a judiciary administrative office to administrate the unified court system, creating a single trial level of courts and making the district courts non-jury superior courts, and making an appropriation therefor. (Foley of Merrimack Dist. 1 - To Judiciary)

HB 600, relative to the importation of dogs and cats into the state and the sale of same. (O'Connor of Strafford Dist. 18; Packard of Merrimack Dist. 4; Callahan of Cheshire Dist. 2; Hanson of Merrimack Dist. 5; Kidder of Merrimack Dist. 1; Sabbow of Belknap Dist. 6 - To Municipal and County Government)

HB 601, providing cost of living increases for all members of the New Hampshire retirement system. (Ziakas of Hillsborough Dist. 33; Day of Hillsborough Dist. 26; Sen. Trowbridge of Dist. 11 - To Executive Departments and Administration)

HB 602, establishing an office of health planning and development and making an appropriation therefor. (O'Connor of Strafford Dist. 18; Ward of Grafton Dist. 1 - To Executive Departments and Administration)

HB 603, establishing procedures to review developments of regional impact and making an appropriation therefor. (Corser of Hillsborough Dist. 2; Kane of Rockingham Dist. 13 - To Environment and Agriculture)

HB 604, increasing the salaries of classified state employees, seasonal and temporary employees and making an appropriation therefor. (McDonough of Hillsborough Dist. 29; Clancy of Hillsborough Dist. 31 - To Executive Departments and Administration)

HB 605, to provide a special liquor and beverage license for race tracks. (McDonough of Hillsborough Dist. 29; Clancy of Hillsborough Dist. 31 - To Regulated Revenues)

HB 606, providing overtime pay for certain classified state employees, and making an appropriation therefor. (McDonough of Hillsborough Dist. 29; Clancy of Hillsborough Dist. 31 - To Executive Departments and Administration)

HB 607, establishing a study committee to investigate the feasibility of separating the state retirement systems from the amount of social security received and making an appropriation therefor. (McDonough of Hillsborough Dist. 29; Clancy of Hillsborough Dist. 31 - To Executive Departments and Administration)

HB 608, relative to the responsibilities and reorganization of the division of mental health and making an appropriation therefor. (Krasker of Rockingham Dist. 22; Nighswander of Belknap Dist. 2; Sen. Smith of Dist. 3; Sen. Preston of Dist. 23 - To Executive Departments and Administration)

HB 609, establishing public guardian offices. (Hanson of Belknap Dist. 5; Stahl of Hillsborough Dist. 17; Aeschliman of Rockingham Dist. 18 - To Judiciary)

HB 610, granting certain disabled veterans toll-free use of New Hampshire turnpikes. (Baker of Hillsborough Dist. 14; Bosse of Hillsborough Dist. 1; Quigley of Hillsborough Dist. 14 - To Claims, Military and Veterans Affairs)

HB 611, equalizing service retirement benefits, disability retirement benefits and vested deferred retirement benefits for all members of group I of the New Hampshire retirement system, setting minimum eligibility for half-pay service retirement benefits for group I members at age 55 and the completion of 25 years of creditable service and making appropriations therefor. (Beard of Belknap Dist. 5; Torrey of Strafford Dist. 19; Valley of Strafford Dist. 20 - To Executive Departments and Administration)

HB 612, relative to free registration and issuance of special license plates for members of the New Hampshire national guard. (Hildreth of Belknap Dist. 6 - To Transportation)

HB 613, relative to investments by savings banks in unsecured loans. (Hess of Merrimack Dist. 6 - To Commerce and Consumer Affairs)

HB 614, relative to school employees found under the influence of alcohol or drugs. (Cote of Hillsborough Dist. 28 - To Education)

HB 615, relative to interest charges charged upon all taxes other than resident taxes not paid on time. (Packard of Merrimack Dist. 4; Mullin of Merrimack Dist. 10 - To Municipal and County Government.)

HB 616, increasing certain fees charged by state agencies. (Ambrose of Belknap Dist. 1; Smith of Carroll Dist. 3; Richardson of Hillsborough Dist. 5 - To Ways and Means)

HB 617, relative to the free enterprise system and the sale of wine. (Spirou of Hillsborough Dist. 27 - To Regulated Revenues)

#### SENATE MESSAGE CONCURRENCE

HCR 3, inviting Chief Justice Kenison to address a joint convention on the state of the judiciary.

Rep. Marshall French moved that the house adjourn.

Adopted.

# HOUSE JOURNAL 14

*Thursday, 3 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain,  
Milton L. Smith, Sr.

"Sun that gives all things birth,  
shine on every thing on earth!

If that's too much to demand,  
shine at least on this our land.

If even that's too much for Thee,  
shine at any rate on me." - From Piet  
Hein's GROOKS

The philosophy expressed in this little  
verse finds too much nourishment in our  
midst, dear God. Protect us from the "sun  
burn" of careless decision making. Lead us  
away from a parched and thirsty rule by the  
I, the Me, the My, and the Mine. Let our  
garden of Democracy bloom with these - God,  
others, the Kingdom, and Thy will be done.  
Let love dominate our thinking and all our  
human relationships. So help us God. Amen!

Rep. Harold Thomson led the Pledge of  
Allegiance.

## LEAVES OF ABSENCE

Reps. Hess, Sal Grasso, Appel, Anthony  
Randall, Frizzell, Bridges, Forsaith  
Daniels and Shea, the day illness.

Reps. Tucker, McLane, Lessard, Alter,  
Bellemore, Paul Riley, Pratt, Voll, Quimby,  
Chapman, James Humphrey and Close, the day,  
important business.

## INTRODUCTION OF GUESTS

Dr. Robert Rines, President, Franklin  
Pierce Law Center, Mr. and Mrs. Kenison  
Hill and Mrs. William McIlwaine, guests of  
Rep. Wiviott.

Mrs. Joan Warden, daughter and guest of  
Rep. Fred Murray.

David Collins, Fire Prevention Officer  
of Hampton Fire Department, guest of Rep.  
Hoar.

Mary and Dorieann Dockman, Shirley and  
Ellen Seavey, and Susan Greenwood, guests  
of the Speaker.

Fran Valluzzo, National Conference of  
State Legislatures, Special Assistant State  
Services.

Robert Coates, Keene High School,  
candidate for Speaker of House in YMCA  
Youth in Government program, guest of the  
Speaker.

Reps. Marshall French and Spirou moved  
to inform the Senate that the House is  
ready to meet in joint convention for the  
purpose of receiving a message from Judge  
Frank R. Kenison, Chief Justice of the  
Supreme Court, on the state of the  
judiciary.

## JOINT CONVENTION (Speaker of House presiding)

The Chair introduced Hon. Frank R.  
Kenison, Chief Justice of the Supreme  
Court..

Chief Justice Kenison addressed the  
Convention as follows:

Mr. Speaker, Mr. President, His  
Excellency the Governor and Honorable  
Members of the Senate and House of  
Representatives:

At each regular session of the  
legislature it is required that the Chief  
Justice of the Supreme Court report on  
matters relating to the administration of  
Justice in New Hampshire. (RSA 490-A:3(c);  
Laws 1971, ch. 459). That legislative  
mandate together with the kind invitation  
of the Speaker of the House and the  
President of the Senate pursuant to House  
Concurrent Resolution No. 3 (HCR 3)  
accounts for my temporary intrusion on your  
busy and extended calendar of legislative  
activities for this afternoon. Awareness  
of the virtue of brevity in this time frame  
hopefully should sharpen my terminal  
facilities to your benefit.

John Galsworthy once wrote, "Justice is  
a machine that, when someone has once given  
it the starting push, rolls on of itself."  
Galsworthy, John, Justice, Act II (1910).  
However, we recognize that, at least in  
part, that is not the case. For the  
machinery of justice is operated, not by a  
computer in a vacuum, but by and for people  
living in an ever-changing,  
ever-challenging environment. Thus, it is  
necessary for the caretakers of justice to  
maintain and to occasionally update the  
machinery in order to ensure its continuing  
response to the needs of the people. I  
share these developments with you today for  
while you, the executive and the courts  
jealously and correctly uphold and defend  
our coequal roles with their independent  
privileges and responsibilities, we realize  
that cooperation is required to  
successfully meet the challenges of the  
future. The interdependence established  
for us by our forefathers, our mutual moral  
and legal responsibilities and the trust  
placed in us by citizens of the State of  
New Hampshire bind us to that cooperation,  
to that commitment, to that accountability.

When I speak of accountability, I find  
myself reviewing, not just the past two  
years, but the past thirty-one years that  
it has been my privilege to serve on the  
bench. I remember with a feeling of deep  
friendship all those people with whom I  
have served over the years - in spite of  
the occasions on which we have disagreed.  
Given the test of time, it is not our  
differences that have been important but  
the fact that independent men and women,  
each alive to his or her individual moral  
awareness, have given their best thought  
and consideration to the issues and  
problems that have confronted us. I

believe that our court has pursued a steady course throughout the years, that it has progressed and applied the principles of our laws in a manner consistent with the public interest and that all the judiciary will continue to be a safeguard to the liberties, responsibility and dignity we cherish.

In evaluating the developments which have taken place during the last several years, and looking toward future developments, I set three main criteria: 1) the promotion of an effective court system, with the aid of a chief judicial administrative officer, which has personnel and resources capable of adapting to changes thrust upon it by the outside forces for the purpose of insuring the fair and economical resolution of cases; 2) the encouragement and assistance of each court to its full potential on its own initiative and not by the superimposition of some centralized administrative authority; and, 3) the maintenance of our court system as a fully independent and respected coequal branch of government as the Constitution demands (NEW HAMPSHIRE CONSTITUTION Pt. I, Art. 37). I believe the events of the past several years have furthered each of these goals and the impetus to achieve them has been aided by all three branches of government.

Let us consider some specific improvements in the administration of justice that have occurred in the last two years. By Supreme Court rules, mandatory and modern judicial education has been instituted for municipal, district and probate judges. Customarily for several years the Superior and Supreme Court judges have received judicial education yearly without the necessity of court rules. The significance of this development is that judges have recognized the importance of continuing judicial education in this twentieth century and this has been particularly evident in the last decade.

Although New Hampshire can claim credit for many innovative advances, it was one of the last states to provide for a chief judicial administrative officer. I am happy to report that an able and competent one is now aboard by virtue of federal funding. This is a long-needed necessity which should not be allowed to lapse or to be discontinued. It is interesting to note in this connection that no state that has had a court administrator or an administrative assistant has abandoned it under the banner of economy or fiscal reality.

The Superior Court has prepared a juror's handbook in simple understandable English which explains the function, duty and responsibility of jurors. This has received public distribution in all counties of the State. The Supreme Court has recently undertaken the preparation of a public education booklet that will increase our citizen's understanding of the structure and organization of the New Hampshire Court System. This booklet will

be distributed in the ensuing months and should be a valuable tool to assist students, laymen and others to know more about the work and objectives of our court system.

The New Hampshire Legislature was first in the nation in establishing and creating the New Hampshire Court Accreditation Commission in 1971 (RSA 490:5-a to 5-e Supp. 1975). This Commission, under the Chairmanship of Judge John W. King of the Superior Court, is continuing in its endeavors to assist municipalities and counties in their efforts to improve courthouses and court facilities. In April of this year the Chairman of the Commission and the Administrative Assistant to the Chief Justice will take part in a two-day panel discussion on adequate judicial and administrative facilities. This program is sponsored by the National Center for State Courts, the American Institute of Architects, the Institute of Continuing Legal Education of the University of Michigan Law School and the Wayne State University Law School. This is an example of the pioneering of a New Hampshire experiment which is receiving nationwide attention.

As a result of recent federal legislation, the Supreme Court has appointed a Judicial Planning Committee consisting of representatives of the Judiciary, the Deputy Attorney General, a Clerk of the Superior Court, and a Public Defender. This Committee has held several meetings and is actively engaged in judicial planning for the future.

During the past eighteen months the public has been involved in the process of developing a report for the Supreme Court that spells out in specific terms what results we should expect from our court system. You will recall that the National Center for State Courts was selected by the Supreme Court to plan and execute a court system survey for development of guidelines for our court system.

Under this plan the state was divided into six geographical areas for receiving local citizens' information in determining the guidelines for an ideal operation of the court system. The regional groups were members from broad areas of the justice system and from the local community. A statewide group representing law enforcement, probation, correction, juvenile, legal and lay persons was also selected.

The first round of work sessions of these groups resulted in the selection of the topic areas which were thought to be of concern in the state. Topic areas developed included pretrial release, diversion, prosecution, defense, trial procedures, grand jury, probation, speedy trial, sentencing, continuing education, just to mention a few. A statement of the topic areas and suggested guidelines in these areas was developed and distributed to all participating at a second round of regional meetings. At these regional meetings, the citizenry defined in specific terms what results they expect from our



court system. At the conclusion of the second round of meetings, the National Center for State Courts made a survey of the court system to show where the system was in relation to each of the guideline areas developed at the regional and state meetings.

During the survey phase of the project, the persons helping in the development of the guidelines were asked to join others in task groups to discuss specific topics of particular interest. This resulted in the development of nine citizen task groups which held discussions concerning 19 specific topics. These citizen task group discussions resulted in additional comments and a refinement to those guidelines already outlined. The National Center then compared these guidelines to existing procedures and reported back to the citizen task groups.

A second round of citizen task group meetings was held to further refine and expand on the various commentaries received from the previous meetings. Once the citizen task group meetings were concluded, the regional groups were reconvened. At these meetings, priorities were set for implementing specific guidelines, and reviewing recommendations for alternative approaches to implementation.

The National Center is in the process of conducting a series of public meetings that will provide additional comments and recommendations from our citizens and we will soon have the results and recommendations of these public hearings.

As you can see, this report represents the work of a broad cross section of the citizens of New Hampshire. In fact, this report is the result of over 35 meetings that involved hundreds of our citizens from all walks of life and from all regions of our state. The New Hampshire Court Systems Survey represents a significant effort to establish meaningful guidelines under which our judicial system can operate and measure its performance.

The need for full time judges in the District Courts has been recommended by the Judicial Council for several years. If this is not to be accomplished on a state-wide basis there is merit to considering it at least on a county or regional basis. The problem will not go away and in time the public will demand that we take some concrete steps toward achieving this goal.

Any attempt at judicial reform and improvement will always give rise to objections. We can take comfort in the words of that noted constitutional scholar Paul Freund:

"It is important to keep one's perspective, to perceive what is most essential and to eschew the hyperbole of doom. What has been written about a reform enacted in 1731 in England, making English the language of court proceedings, strikes the right note:

'The nation at large needed it, some wise men predicted it would ruin England, some still wiser

men seized upon minor inconveniences that resulted from it as quite sufficient to damn it, and succeeding generations wondered why it had not passed a century earlier.' " -- Freund, A National Court of Appeals, 25 Hastings Law J. 1301, 1312 (1974), quoting from 1 P. Winfield, Chief Sources of English Legal History 13 (1925).

The Sentencing Review Board was established by the legislature to review State Prison sentences in 1975. RSA 651:55-61 (Supp. 1975); Laws 1975, ch. 267. This Board, composed of three Superior Court Judges, has the power to increase, decrease or affirm State Prison sentences. Disparity in sentencing is frequently the cause of unrest in penal institutions and this Board has accomplished a remarkable evenhanded task in the consideration of sentences that they have reviewed. Recent rules adopted by the Board will enhance the effectiveness of its work in the future. They are to be commended for their careful, comprehensive work in this area.

The Supreme Court has under consideration at the request of the New Hampshire Bar Association, the establishment of a committee on Judicial Standards and Responsibility. This Committee, composed of laymen, lawyers and judges, will consider matters relating to the Judiciary in a manner similar to the Committee on Professional Conduct which considers complaints relating to the conduct of attorneys. The Court is in the process of drafting rules and regulations which will enable the Committee to function formally and informally and to ensure that the rights of all parties are fully protected in a fair, confidential and reasonable manner.

Today we can say, as we have in past addresses, that the Judiciary in this state may be fairly described as alive, well and awake. We have many problems to solve. The task is not an easy one and we need the cooperation of this independent legislature which is still not controlled or dominated by any group, any lobby, any organization, any newspaper or any department of the government. Without your help in the past we would not have attained the progress that we have made. May I again plead for your continued cooperation in making the court system more effective and more efficient.

Sen. Saggiotes and Rep. Marshall French moved that the remarks of Chief Justice Kenison be printed in the Journal.

Adopted.

The Joint Convention arose.

## HOUSE

### SENATE MESSAGES CONCURRENCE

HB 54, relative to the administrative procedures act.

HB 13, establishing a hunting season for the taking of foxes and classifying the fox as a fur-bearing animal.

#### ENROLLED BILLS REPORT

HB 13, establishing a hunting season for the taking of foxes and classifying the fox as a fur-bearing animal.

HB 54, relative to the administrative procedures act.

Sen. Bergeron  
For the Committee

#### REQUEST CONCURRENCE WITH AMENDMENT

HB 47, establishing a fourth New Hampshire song and providing for the designation of an official New Hampshire song. (Amendment printed in SJ 3/1)

Rep. Benton moved that the House concur. Adopted.

#### INTRODUCTION OF SENATE BILLS and CACR

First, second reading and referral

SB 58, relative to the rule-making powers of the weights and measures division of the department of agriculture. (Environment and Agriculture)

SB 41, relative to the deposit of state funds in approved banks. (Executive Departments and Administration)

SB 24, relative to the statutory definition of "farm, agriculture, farming." (Environment and Agriculture)

SB 21, relative to the forfeiture of propelled vehicles used in the commission of certain crimes. (Judiciary)

CACR 8, Relating to: The trial of crimes. Providing that: District Courts may try crimes in a county other than the county in which the crime is committed. (Constitutional Revision)

#### SIX-DAY EXTENSIONS GRANTED

HB 159, repealing the subdivision in the status relative to equine infectious anemia. (Environment and Agriculture)

HB 173, prohibiting the hunting of wild birds on Little Lake Sunapee. (Fish and Game)

HB 27, establishing the Meredith district court. (Judiciary)

HB 125, establishing standards for determining death for purposes of anatomical gifts act. (Judiciary)

HB 80, redefining serious bodily injury in the criminal code. (Judiciary)

HB 81, increasing the penalty for assault which causes bodily injury. (Judiciary)

HB 155, relating to dogs at large and providing a penalty against the owner and further providing for local option if a municipality desires to be exempted. (Municipal and County Government)

HB 156, relative to the property tax list. (Municipal and County Government)

HB 66, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years. (Regulated Revenues)

HB 190, establishing a joint legislative oversight committee and requiring its approval of newly promulgated administrative rules. (Executive Departments and Administration)

#### COMMITTEE REPORTS

##### (Consent Calendar)

Rep Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 189, 151, 175, 188, 176, 222, 274 and 289, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 238, 16, 101, 263, 299, 234 and 290. Adopted.

HB 284, was withdrawn from the Consent Calendar at the request of Rep. LaMott.

HB 189, prohibiting participation with the council of state governments. Inexpedient to Legislate. Rep. Marshall French for Interstate Cooperation.

The Committee agreed unanimously in opposition to this bill, including the sponsor.

HB 151, relative to the civil liability of the director of motor vehicles and his agents. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

This bill would exempt the director and his hearing officers from their acts or omission in the suspension, revocation or restoration of a driver's license. The Committee felt the director and his agents should be held accountable for their decisions, in order to assure the citizenry of a fair and impartial consideration.

HB 175, prohibiting the appointment of retired justices of the supreme and superior courts who have attained the age of 70 years as judicial referees, auditors, and masters. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

The purpose of the bill would prohibit retired justices of the superior and supreme court who have attained the age of 70 from sitting as judicial referees, auditors and masters. This bill would deprive the judicial system of knowledgeable and experienced judicial referees, auditors and masters. Unanimous vote.

HB 188, increasing the penalty for reckless operation of a motor vehicle. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

This bill should not be passed due to the suggestion of the sponsor. Due to similar legislation now before the House Judiciary Committee from the Senate and the Committee's wishing not to have repetitious legislation, the Committee voted (9-2) to kill the bill.

HB 176, excluding an exchange of land between owners which does not increase the number of owners from subdivision approval procedures. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

The Committee believes this bill would open avenues that are now well controlled locally and that the bill has many implications that are not covered by the proposed legislation.

HB 222, to restrict the transfer of county paupers to county institutions. Inexpedient to Legislate. Rep. Alfreda Smith for State Institutions.

The vote was unanimous - inexpedient to legislate. It is the feeling of the Committee that this law is already covered in the current RSA 165:1, RSA 166:1, RSA 166:2, RSA 166:5 and RSA 166:10.

HB 274, requiring all motor vehicle accidents to be reported to a duly authorized police authority. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee feels this bill would be a contradiction of the Division of Motor Vehicles past policies. Passage of this bill would be a great burden on the people of New Hampshire and will open up the possibility for wide abuses.

HB 289, including a motorcycle operator's license under the requirements for driver education. Inexpedient to Legislate. Rep. James Murray for Transportation.

Upon investigation of this bill, the Committee found that this type of Driver Education is already provided for in the Motor Vehicle laws. The passage of this bill would just be repetition.

HB 238, relative to the investment powers of savings banks. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

The bill excludes borrowed funds from the savings banks' 80% maximum mortgage loans to deposits ratio, increases the maximum legal mortgage term to forty years and includes the state chartered banks in contiguous states as legal depositories for savings banks. The bill should serve to increase the supply of mortgage money during periods of tight money.

HB 16, authorizing out of state municipalities to participate in district fire mutual aid systems. Ought to Pass. Rep. Marshall French for Interstate Cooperation.

There were eleven appearing in favor of this bill. No opposition. This bill is strictly permissive legislation to enable district fire mutual aid systems to expand beyond state lines. The Committee vote was unanimous.

HB 101, enabling towns to join together for the purpose of watershed management. Ought to Pass. Rep. Dickinson for Resources, Recreation and Development.

This bill enables subdivisions of government to enter into mutual agreements for the purpose of cooperative management of a common watershed. The Committee vote was 16-0.

HB 263, relative to the emergency generator at the state prison. Ought to Pass. Rep. Howard for State Institutions. This bill changes the project from rehabilitation of the emergency generator including emergency transfer equipment at the state prison to the purchase and installation of a new generator. The appropriation is unchanged. Referred to Appropriations.

HB 299, to provide New Hampshire home for the elderly classified employees a differential pay increase. Ought to Pass. Rep. Collins for State Institutions.

The Committee felt that by accident of previous legislation the New Hampshire Home for the Elderly was inadvertently left out of the RSA - change in differential pay scales. Referred to Appropriations.

HB 234, allowing the holder of motorcycle learner's permit to drive a motorcycle to and from a licensing examination. Ought to Pass. Rep. James Murray for Transportation.

The Division of Motor Vehicles, which sponsored this bill, informed the Committee that this idea was once law, but was mistakenly removed by RSA 261:10-b.

Motorcycle license applicants are continuously driving to their examinations under the assumption that they are permitted to do so. The Committee fears that if this bill is not passed motorcycle riders who wish to attend the examination will be unnecessarily hampered.

HB 290, relative to increasing the insurance requirements of motor vehicle drivers' schools. Ought to Pass. Rep. James Murray for Transportation.

The Division of Motor Vehicles, which requested this bill, testified that 51 of the current 52 private Driver Education Schools already have this requested amount of insurance. This new bill just tries to modernize the insurance requirement to present day conditions. The Committee feels this is worthwhile for passage as protection for the general public.

#### COMMITTEE REPORTS (Regular Calendar)

HB 259, establishing the ladybug as the state insect of New Hampshire. Ought to Pass with Amendment. Rep. Gordon for Claims, Military and Veterans Affairs.

The Committee was most favorably impressed with the enthusiasm, intelligence and research done by the members of the 5th grade of the Broken Ground School of Concord, and with the



merits and capabilities of the "ladybug." With such an important consideration as the adoption of a state insect, the Committee felt it appropriate to recommend the appointment of a "State Insect Selection Board," so as to broaden the scope of the search for a state insect by hearing from other groups, who may champion other beneficial insects. The ladybug is already the state insect of at least three other states. The amendment establishes such a Board, consisting of one representative, one senator, two members appointed by the Governor and Council, chaired by the State Entomologist.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a committee to select an official state insect of New Hampshire.

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Committee to Choose Official State Insect. There is hereby established a committee of 5 who shall serve without pay to select the official state insect. The committee shall choose from among the ladybug and such other insects as may be brought to its attention by its own members or by anyone else. The committee shall consist of one member of the senate appointed by the president of the senate, one member of the house of representatives appointed by the speaker of the house, 2 members of the public knowledgeable in entomology appointed by the governor and council and the state entomologist who shall serve as chairman. The committee shall serve only so long as is necessary to designate the official state insect, but in no case beyond December 31, 1977.

2 Insertion in RSA. When the committee established by section 1 of this act has reached a decision, it shall issue a statement declaring the official state insect and such shall become RSA 3:11 in the following form:

3:11 Official State Insect. The (name of insect) is hereby designated as the official state insect of New Hampshire.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

#### RECONSIDERATION

Rep. Parr moved that the House reconsider its action whereby it adopted the amendment to HB 259 and spoke to her motion.

Reps. Benton, Norton and Lyons spoke against reconsideration.

Reps. Dostilio and Polly Johnson spoke in favor of reconsideration.

Rep. William Boucher moved the previous question. Sufficiently seconded. Adopted.

Rep. Parr requested a division.

185 members having voted in the affirmative and 135 in the negative, the motion to reconsider was adopted.

Question being on the adoption of the committee amendment.

Rep. Parr spoke against the amendment.

Rep. Mabel Richardson moved that HB 259 be laid upon the table.

Motion lost.

Question being on the committee amendment.

Amendment lost.

Rep. Barrus spoke to the bill.

Question being ordering HB 259 to third reading.

Ordered to third reading.

HB 103, relative to licensing fees for real estate brokers and salesmen. Ought to Pass with Amendment. Rep. Ward for Commerce and Consumer Affairs.

This bill increases the fees for licensing brokers and salesmen to a more realistic level. In addition, it provides additional monies for the state, as all revenue above the operating budget lapses to the general fund.

The amendment increases the examination fee from \$15 to \$25, with the additional funds credited to the board's expenditures for this purpose.

#### Amendment

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2. Fees. Amend RSA 331-A:4-a (supp) as inserted by 1963, 269:2 by striking out in line 9 the words "fifteen dollars" and inserting in place thereof the following (\$25) so that said section as amended shall read as follows:

331-A:4-a Examination. The commission shall not issue an original salesman's or broker's license to any applicant therefor unless and until such applicant shall have satisfactorily passed a reasonable written examination as to his qualifications to act as such broker or salesman. The examination shall be in such form as may be prescribed by the commission and shall be administered by the commission which shall cause the examination to be given to applicants at least 4 times annually. The commission is authorized to publish and distribute printed material indicating the scope of the examination and suggested sources of study. A fee of \$25 shall be paid for each examination. The commission is authorized to expend from its receipts for examination fees the sums necessary for the purpose of engaging a qualified testing service to be selected by the commission to prepare, structure, administer and conduct the examination under the direction of the commission. The commission shall notify each applicant who takes said examination the results thereof within 30 days of the examination.

3 Effective Date. This act shall take effect 60 days after its passage.



Amendment adopted.

Referred to Appropriations.

HB 217, relative to tuition for foster children. Ought to Pass with Amendment. Rep. Gary Dionne for Education.

This bill does not create any new appropriation. Money within the Education Department's budget is reallocated to provide aid to handicapped foster children. Committee vote was 18-0.

#### Amendment

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Proration. Amend RSA 198:25 (supp) as inserted by 1973, 277:1 by striking out said section and inserting in place thereof the following:

198:25 Proration. If, in any year, the number of children entitled to receive benefits in accordance with RSA 198:24 shall exceed the amount appropriated for such purpose, the amount shall be prorated proportionally among the districts entitled to the tuition payments. In carrying out the proration, the payment of \$200 shall be made for each foster child and the balance prorated among those eligible under the provisions for payment made herein for handicapped. If, in any year, the amount appropriated is not sufficient to meet the per pupil entitlement established in RSA 198:24, the total amount appropriated will be distributed in accordance with RSA 198:26.

3 Grants Computed. Amend RSA 198:26 (supp) as inserted by 1973, 277:1 by striking out in lines 3 through 7 the words "For each pupil who is a child placed in a home in the school district during the preceding school year attending elementary, junior high and high school, the grant shall be an amount equal to the respective state average cost per pupil for the preceding school year." so that said section as amended shall read as follows:

198:26 Time of Computation. As of June 30 in each year, the state board shall cause to be computed the amount of annual grants to be paid eligible districts in the succeeding fiscal year as provided herein. If the foster home is located in a pre-existing district within a cooperative district, any aid paid under this subdivision shall be credited to said pre-existing district. Any available appropriation not fully distributed among the districts in the first year of any biennium may be distributed in the second year if required to meet the formula established.

4 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Referred to Appropriations.

HB 297, limiting the powers and duties of the department of revenue administration to overseeing the collection of state taxes administered by said department. Ought to Pass with Amendment. Rep. Sara Townsend for Executive Departments and Administration.

This bill makes the language of RSA 71-A:10 more precise without any change in actual jurisdiction of the Department of Revenue Administration. The amendment places the language of the Administrative Procedures Act for rules under RSA 541-A in the Chapter.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 General Provisions; Additional Specificity Provided. Amend RSA 71-A:10 (supp) as inserted by 1973, 544:1 by striking out said section and inserting in place thereof the following:

71-A:10 General Provisions. In addition to any other powers and duties set forth in this chapter or as otherwise provided by statute, the department of revenue administration shall have the power and duty to oversee the collection of all state taxes administered by the department and may make such reasonable rules and regulations in accordance with RSA 541-A, as may be necessary for the purpose.

Amendment adopted.

Ordered to third reading.

HB 56, relative to secret ballots at town meeting. Inexpedient to Legislate. Rep. Beverly Gage for Municipal and County Government.

We have reconsidered this bill and feel the law as now written is a protection for the minority and should remain so. The amendment offered did not satisfy the Committee as a remedy to control of a town meeting by the moderator or the majority.

Resolution adopted.

HB 144, relative to property taxes on house trailers, travel trailers or mobile homes used for seasonal recreation accommodations. Inexpedient to Legislate. Rep. LaBonte for Municipal and County Government.

The Committee believes the current law providing for a 45 day time limit before assessing property taxes on seasonal recreation vehicles is equitable to the town and property holders.

Resolution adopted.

HB 148, relative to recording all changes in ownership of real property with the registry of deeds. Ought to Pass. Rep. Mann for Municipal and County Government.

This bill is a definite aid to local assessors, selectmen, and planners to have all items recorded. In addition,

the savings in time this bill represents will also save a considerable amount of money in searching titles.  
Ordered to third reading.

HB 245, providing for a change in the assessment and collection of the resident tax. Inexpedient to Legislate. Rep. Beverly Gage for Municipal and County Government.

This bill would completely revamp the current assessment and collection procedure and presents many administrative problems. The Committee believes it impractical.  
Resolution adopted.

HB 23, requiring the filing of a detailed plan with the town clerk of the proposed project to excavate, fill or dredge. Ought to Pass. Rep. Claflin for Resources, Recreation and Development.

This bill adds the town clerk to the Water Resources Board as receiving notice of intention and information on proposed excavation dredge and fill. Committee vote was 17-0.  
Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Richard Hanson moved that the rules be so far suspended as to permit SB 28, establishing the Lamson Farm commission in Mont Vernon, to be considered at the present time.

Adopted by the necessary two-thirds.

Rep. Richard Hanson moved that SB 28 be ordered to third reading at the present time, spoke to his motion, and yielded to questions.

Adopted.

#### ANNOUNCEMENT

The Speaker announced that the House had retained the services of a former member of the State Ballot Law Commission, Atty. Ronald Snow, to serve as committee counsel to the House Committee on Statutory Revision.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by capiton only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns, it be to meet Wednesday at 1:00 o'clock.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 238, relative to the investment powers of savings banks.

HB 16, authorizing out of state municipalities to participate in district fire mutual aid system.

HB 101, enabling towns to join together for the purpose of watershed management.

HB 234, allowing the holder of motorcycle learner's permit to drive a motorcycle to and from a licensing examination.

HB 290, relative to increasing the insurance requirements of motor vehicle driver's schools.

HB 259, establishing the ladybug as the state insect of New Hampshire.

HB 297, limiting the powers and duties of the department of revenue administration to overseeing the collection of state taxes administered by said department.

HB 148, relative to recording all changes in ownership of real property with the registry of deeds.

HB 23, requiring the filing of a detailed plan with the town clerk of the proposed project to excavate, fill or dredge.

SB 28, establishing the Lamson Farm commission in Mont Vernon.

#### RECONSIDERATION

Rep. Parr moved that the House reconsider its action whereby it passed HB 259, establishing the ladybug as the state insect of New Hampshire and spoke against the motion.

Reconsideration lost.

#### SUSPENSION OF RULES

Rep. James Murray moved that the Rules be so far suspended as to permit the Committee on Transportation to hold a public hearing without the required two days' notice in the Calendar on HB 486, making a supplemental appropriation to the department of safety.

Rep. Spirou spoke in favor of the motion.

Adopted by the necessary two-thirds.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Sara Townsend, Spaulding and Morgan offered the following:

#### HOUSE RESOLUTION NO. 16

creating a special committee to study licensing policy

WHEREAS, numerous bills have been filed with the general court pertaining to licensing as a way of regulating various trades and professions; and

WHEREAS, the benefit of licensing as a method of regulation is of questionable value to the citizens of New Hampshire, providing little assistance to consumers in resolving their complaints against the members of trades and professions subject to such regulation; and

WHEREAS, licensing and other regulatory boards have in general been criticized for creating unfair barriers to entrance into the trades and professions and for establishing regulations more protective of the interests of those trades and professions than of the public interest; and

WHEREAS, the creation of licensing boards exempts the trades and professions so licensed from the provisions of the state consumers protective act (RSA 358-A)

and creates still another layer in the state's administrative bureaucracy; now therefore, be it

RESOLVED by the House of Representatives:

That a special house committee be created, consisting of 5 members to be appointed by the Speaker, to study the licensing policy of this state and report to the Speaker no later than April 1, 1977 its recommendations regarding the position that should be taken on new licensing proposals by the various standing committees of the house to which licensing bills may be assigned; and

BE IT FURTHER RESOLVED that all house committees now in possession of licensing bills and all house committees to which licensing bills may hereafter be assigned are directed to seek extensions under House Rule 57 in order to defer their reports on all licensing bills until the special committee created by this resolution shall have made its report.

Resolution adopted.

SENATE MESSAGE  
CONCURRENCE

HB 453, relative to serial notes issued by the town of Bedford.

358 members were recorded as present.

RECESS

(Rep. Richard Hanson in the chair)

ENROLLED BILLS REPORT

HB 453, relative to serial notes issued by the town of Bedford.

Sen. Lamontagne  
For the Committee

SB 28, establishing the Lamson Farm commission in Mont Vernon.

Rep. Martin  
For the Committee

Rep. Marshall French moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 15

*Wednesday, 9 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Are You running with us Lord? Run, walk, crawl, stumble, sit, kneel, wheel - but be with us all the way. Know what Lord? This place is for real. Being involved here is like being "target for the day". When it comes to the nitty gritty of decision making - the yes and no - it seems we are "damned if we do and damned if we don't". So much depends on what we do here. God, guide us in our decision making. Save us from the folly of settling for anything less than our best. Cause Your Divine Energy to move in our lives and stir those unusual qualities that set us apart from all other living creatures - the power to know, to reason, to understand, to choose. Cause our very best to come alive here, Lord. The time is now! Let's get going! Run with us Lord, run with us! Amen!

Rep. Donnelly led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Shea, Forsaith Daniels, James J. White, Wolfson, Ganley, Dostilio, Frizzell, L. Penny Dion and Anthony Randall, the day, illness.

Reps. Emma Wheeler, Maglaras, Goyette, Milton Cate, Tarr, LaFleur, Robert Watson, Appel, James Humphrey, Faucher, Pratt and Alter, the day, important business.

## INTRODUCTION OF GUESTS

Former Representative Eileen Rossley, mother and guest of Rep. Bruce Rossley; Donald R. Wallace, son and guest of Rep. Wallace; Raymond Hennessey, past President of the Dover Chamber of Commerce, guest of Rep. Belhumeur.

## SENATE MESSAGES

### CONCURRENCE

HB 116, relative to the taxation procedure in village districts.

HB 65, relative to the procedure for discharge from employment of the superintendent of the county farm.

HB 61, providing for payment of a claim to Cpl./Tech. Henry P. Paris, Jr., New Hampshire state police and making an appropriation therefor.

HB 74, reimbursing the North Conway fire department for search and rescue operations and making an appropriation therefor.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 68, relative to notice filing in registries of deeds to show power of trustee to convey real estate. (Municipal and County Government)

SB 26, authorizing state employees' participation in the present incentive award program for selling sweepstakes tickets. (Regulated Revenues)

SB 63, relative to real estate tax lien for the elderly or disabled. (Municipal and County Government)

SB 64, relative to homestead rights for mobile home owners. (Statutory Revision)

SB 73, permitting members of the New Hampshire Fair Association to hold on-sale permits. (Regulated Revenues)

SB 79, increasing the permissible amount of assets under the expanded elderly exemption law. (Ways and Means)

## RESIGNATION

Honorable George B. Roberts, Jr.  
Speaker of House of Representatives

Dear Mr. Roberts:

Please accept my resignation as a member of the New Hampshire General Court, Merrimack District 20.

Very truly yours,  
R. Peter Shapiro

## ENROLLED BILLS REPORT

HB 47, establishing a fourth New Hampshire song and providing for the designation of an official New Hampshire song.

HB 61, providing for payment of a claim to Cpl./Tech. Henry P. Paris, Jr., New Hampshire state police and making an appropriation therefor.

HB 65, relative to the procedure for discharge from employment of the superintendent of the county farm.

HB 74, reimbursing the North Conway fire department for search and rescue operations and making an appropriation therefor.

HB 116, relative to the taxation procedure in village districts.

James J. White  
For the Committee

## VACATE

Rep. Gemmill moved that the House vacate the reference of HB 431, increasing the salaries of the operating staff of the university system and making an appropriation therefor, to the committee on Education and re-refer said bill to the committee on Executive Departments and Administration.

## SIX-DAY EXTENSIONS GRANTED

HB 179, requiring the reporting of well digging information to the state geologist. (Environment and Agriculture)

HB 190, establishing a joint legislative oversight committee and requiring its approval of newly promulgated administrative rules. (Executive Departments and Administration)



HB 149, increasing the fees for lobster, clam and oyster licenses and providing a penalty for misuse of lobster and crab license. (Fish and Game)

HB 163, relative to establishing a hunting and trapping season for bobcat. (Fish and Game)

HB 180, relative to limits on commercial trapping. (Fish and Game)

HB 171, amending the Rochester city charter to provide that the mayor shall be a non-voting member of the school board and that the school board shall elect one of its voting members chairman for a 2 year term. (Fish and Game)

HB 183, relative to the assessment of taxes and the date upon which interest as penalty may be charged for late payment. (Municipal and County Government)

HB 168, prohibiting the erection of advertising devices beyond 660 feet from interstate or federal aid primary system rights of way. (Public Works)

HB 174, increasing the fee for motorcycle operator's license to \$12 and providing an effective period for such licenses of 4 years. (Transportation)

#### SUSPENSION OF RULES

Rep. James Murray moved that the rules be so far suspended as to permit consideration at the present time of the committee report on HB 486, making a supplemental appropriation to the department of safety.

Reps. Murray and Marshall French spoke in favor of the motion.

Adopted by the necessary two-thirds.

#### COMMITTEE REPORT

HB 486, making a supplemental appropriation to the department of safety. Ought to Pass. Rep. James W. Murray for Transportation.

Due to the striking of a budget footnote for this year the Division of Motor Vehicles has found itself faced with a possible layoff of 27 temporary employees. This would hurt the public sorely. This appropriation of \$82,627 is the only way the division can function with any semblance of efficiency. The Committee urges HB 486's passage.

Question being on the adoption of the committee report.

Adopted.

Referred to Appropriations.

#### COMMITTEE REPORTS

HB 284, making the deputy commissioner of safety a group II member of the New Hampshire retirement system. Ought to Pass. Rep. Paradis for Claims, Military and Veterans Affairs.

The Deputy Commissioner of Safety would normally face the same duty hazards as the Commissioner of Safety, therefore the Deputy Commissioner should be in the same retirement group as the Commissioner.

Referred to Appropriations.

HB 225, to provide for the application by the state of New Hampshire to the congress of the United States for the calling of a convention for proposing an amendment to the constitution of the United States. Inexpedient to Legislate. Rep. Hess for Constitutional Revision.

By a 12 - 1 vote, the Committee agrees with the Governor that the prospect of an unprecedented national Constitutional Convention raises serious legal questions and might open our nation's Constitution to radical and pervasive changes.

Rep. Chandler moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke to his motion.

Reps. Morrison and Stefanides spoke against the motion.

Reps. Elmer Johnson and Schwaner spoke in favor of the motion.

Rep. Hess moved that HB 225 be indefinitely postponed and spoke to her motion.

Rep. Chandler requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 252 NAYS 55

YEAS 252

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found and Kenneth MacDonald.

CHESHIRE: Chase, Close, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Matson, Moore, Parker, Proctor, Margaret Ramsey, Russell, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggin.

COOS: Burns, Cooney, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Patenaude, Poulin, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Buckman, Chambers, Clark, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, Logan, Mann, McAvoy, Pepitone, Snell, Stomberg, Taffe, Taylor, Glynetta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Barrett, Bednar, Bosse, Brack, Bridges, Brody, Carswell, Coburn, Mark Connolly, Corser, Coughlin, Crotty, Cullity, Arline Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinas, Girolimon, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Karnis, Lamy, Armand Lemire, Levesque, Lyons, Marcoux, Martin, Martineau, McGlynn, Morrison, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins,

Peters, Plomaritis, Podles, Quigley, Record, Henry Richardson, Simard, Sing, Edward Smith, St. George, Stahl, Harold Thomson, Van Loan, Wallin, Geraldine Watson, Welch, Robert Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Foley, Gamache, Richard Hanson, Hess, Polly Johnson, Donna MacIvor, McNichol, Mullin, Packard, Pelton, Rice, Rich, Doris Riley, Gerald Smith, Stefanides, Stockman, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Collins, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Robert Day, Dunfey, Flanagan, Carl Gage, Gould, Grieco, Griffin, Hoar, Kane, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Scamman, Skinner, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Canney, Walter Desmarais, Charles Grassie, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Lessard, Maloomian, Meader, Morrisette, Nadeau, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, LeBrun, Scott, Sara Townsend and George Wiggins.

#### NAYS 55

BELKNAP: Lawton and Sabbow.

CARROLL: Howard, Keller and Towle.

CHESHIRE: Elmer Johnson, Ladd, Marshala and Whipple.

COOS: Fortier

GRAFTON: Ira Allen, George Cate, Neil McIver and Rounds.

HILLSBOROUGH: Belanger, Emile Boisvert, Roland Boucher, Burke, Coutermarsh, William Desmarais, Gabrielle Gagnon, Granger, Daniel Healy, Madigan, Morgan, Nardi, Polak, Paul Riley, Soucy, Stylianos, Francis Sullivan, Kevin Sullivan, Wallace, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Chandler and Doris Thompson.

ROCKINGHAM: Danforth, Davis, Erler, Beverly Gage, Hartford, Parr, Sanborn, Schwaner and Alfreda Smith.

STRAFFORD: Belhumeur, Donnelly, Hebert, Joncas, Kincaid and Dennis Ramsey.

SULLIVAN: Ingram and Lewko, and HB 225 was indefinitely postponed.

Reps. Tucker and Nemzoff-Berman wished to be recorded in favor of the motion to indefinitely postpone.

HB 271, relative to the proper display of the state and national flags. Ought to Pass. Rep. Keefe for Education.

This bill establishes as regulation what has long been accepted practice in the schools. Also, it clarifies the place of display when flags are displayed within the school building. Committee vote was 19 - 0. Ordered to third reading.

HB 304, providing for the establishment of loan fund revolving accounts which meet certain federal requirements. Ought to Pass. Rep. Gary Dionne for Education.

In order to comply with requirements to receive federal funds this bill authorized the state board of education to establish and administer separate and special loan accounts for each of the vocational-technical colleges and the technical institute instead of the present pool system. Committee vote was unanimous. Referred to Appropriations.

#### ELECTION COMMITTEE REPORT

Relative to the petition to the New Hampshire House of Representatives contesting the election of Representative Susan W. Pelton (Merrimack 3).

Recommendation: that the House reject the challenge. Rep. Close for Elections.

On the strength of the evidence before the subcommittee, it appears that Representative Pelton, at the time of her election, met the requirements of N.H. Const. Pt. 2, Art. 14 that she have been an inhabitant of this state for the two years immediately preceding her election and that she be an inhabitant of the district at the time she is elected. The term "inhabitant" as it is used in the State Constitution is understood to mean actual presence in the community coupled with a settled intention to make that community one's home. The sole issue before this subcommittee was whether Rep. Pelton had formed such an intention.

The subcommittee has proceeded in the belief that it must ultimately establish that it is more likely than not that Rep. Pelton has satisfied all the requirements for election set out in N.H. Const. Pt. 2, Art. 14. As a practical matter, however, it appears that an elected representative challenged under the procedure set out in RSA 67 enjoys the presumption that he or she has met those requirements and the challengers bear the burden of going forward with evidence to the contrary. It is the subcommittee's unanimous decision that, despite the

good faith nature of their petition, the challengers in this case have failed to satisfy that burden. The evidence presented by the challengers was at best equivocal. Rep. Pelton's failure to pay a residence tax locally in 1974 and 1975 can be explained by the failure of the town to send her a bill in those years; her status as a student did not necessarily prevent her from forming an intention to establish more solid ties to the community; and the evidence regarding her parents' home, her driver's license and the address given on the student roster was altogether inconclusive. On the other hand, Rep. Pelton introduced in her behalf evidence that she remained in Henniker during the summer of 1974, after the close of the school year; that she voted there in a federal election in 1975; that she engaged in various local civic activities; and that she has since then sought employment that would allow her to continue to reside in Henniker. In addition, residents of Henniker testified that their association and experience with Rep. Pelton led them to believe the sincerity of her declaration.

The evidence before the subcommittee leads it to conclude that Rep. Pelton formed a settled intention to make Henniker, New Hampshire her home sometime in the fall of 1974. It is therefore this subcommittee's recommendation that the House reject the challenge in this case.

Report adopted.

#### COMMITTEE REPORTS (cont'd)

HB 268, requiring public utilities commissioners to serve in a full-time capacity. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

Committee thought that, while intention of sponsor was good, this legislation should await the more comprehensive bill concerning reorganization of state government. Unanimous vote of Committee members present.

Rep. James Murray moved that HB 268 be recommitted to the committee on Executive Departments and Administration and spoke to his motion.

Rep. Close spoke in favor of the motion.

HB 268 was recommitted to Executive Departments and Administration.

HB 52, relative to a person's property rights after his conviction for cruelty to animals. Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary.

Purpose of bill is to give arresting officer discretionary power to confiscate an animal from a person charged with cruelty to animals. Also to permit the court discretionary powers to dispose of the animal. The cost of disposal shall be borne by the person so convicted.

#### Amendment

Amend RSA 644:8, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. In addition to being guilty of a misdemeanor as provided in RSA 644:8, III, any person charged with cruelty to animals may have his animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted.

Amendment adopted.

Ordered to third reading.

HB 129, exempting certain persons from the laws relative to exposing minors to harmful material. Majority: Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary; Minority: (Rep. Martin) Ought to Pass with Amendment.

Majority: This bill would exempt institutions, officers and their employees, while acting in good faith from criminal prosecution for distributing harmful literature and material to minors. This creates a double standard in that said officers and employees could still be prosecuted for distributing the same harmful literature and material to adults.

No testimony to justify a compelling need for this legislation.

Minority: The amendment to HB 129 as proposed by the Minority would give much needed protection to librarians, library employees and teachers from prosecution for disseminating materials which may be deemed harmful or obscene to minors.

#### Amendment

Amend RSA 571-B:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

571-B:4 Exemptions. The provisions of RSA 571-B shall not apply to any public school, any approved nonpublic school so designated by the state board of education, any accredited public or nonpublic educational institution, the state library or any other library affiliated with the state library commission, or to any officer or employee thereof acting in good faith and in his

official capacity, provided that the material involved shall not have been previously found to be harmful to minors as provided in this chapter or obscene as provided in RSA 650 by any court of competent jurisdiction in New Hampshire during the preceding 10 years.

Rep. Martin moved that HB 129 be recommitted to the Judiciary Committee, spoke to her motion and yielded to Rep. Skinner.

Rep. Aller spoke against the motion. HB 129 was recommitted to Judiciary committee.

Rep. Greene wished to be recorded in favor of the minority report, ought to pass with amendment.

HB 160, relative to the procedure used to handle complaints filed with the commission for human rights. Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary.

The purpose of the bill would permit the Chairman of the Commission on Human Rights to delegate his investigative responsibilities to a staff member, thus providing a more efficient and effective use of present staff.

The Committee amendment would require the Chairman to retain control and supervision over the activities of the staff members.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

I. Commission Staff Duties. Amend RSA 354-A:9, II as inserted by 1965, 297:1 by striking out the first 3 paragraphs thereof and inserting in place thereof the following:

II. After the filing of any complaint, one of the commission staff members designated by the chairman shall make prompt investigation in connection therewith. If such staff member shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall submit a written summary of such investigation and determination for the approval by a commissioner designated by the chairman. After approval by the designated commissioner, the staff member shall endeavor to eliminate the unlawful discriminatory practice alleged in the complaint by conference, conciliation and education. Any conciliation agreement shall be submitted in writing to the designated commissioner for his approval prior to becoming effective. The members of the commission and its staff shall not disclose what has occurred in the course of such endeavors, provided that the commission may publish the facts in the case of any complaint which has been dismissed, and the terms of any disposition reached through conciliation.

In case of failure to eliminate an unlawful discriminatory practice alleged in the complaint, or in advance thereof, if, in the judgment of the designated commissioner, circumstances so warrant, he shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such complaint, hereinafter referred to as respondent, to answer charges of such complaint at a hearing before 3 members of the commission, designated by the chairman and sitting as the commission, at a time and place to be fixed by the chairman and specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by it.

The case in support of the complaint shall be presented before the commission by one of its attorneys or agents, and the designated commissioner who shall have caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the subsequent deliberation of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and transcribed at the request of any party.

Amendment adopted.

Ordered to third reading.

HB 187, amending the penalty provisions of the mobile home park law. Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary.

The purpose of HB 187 as amended would eliminate the monetary penalty provision of RSA 205-A:11 as it now pertains to mobile home tenants so as not to discourage the filing of complaints against mobile home trail park owners.

#### Amendment

Amend RSA 205-A:11 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

205-A:11 Penalty. Any person, excluding any tenant, who violates any provision of RSA 205-A:2, shall be fined not more than \$1,000 for each offense, the



provisions of RSA title LXII to the contrary notwithstanding. Each day in which a violation of RSA 205-A:2 occurs shall constitute a separate offense.

Amendment adopted.

Ordered to third reading.

HB 223, requiring all lobbyists to wear a name tag when lobbying in the state house or the legislative office building. Ought to Pass with Amendment. Rep. Roderick O'Connor for Legislative Administration.

Amendment specifies the type and size of name tag to be worn by a lobbyist. Unanimous vote of the Committee to distinguish "us" from "them."

#### Amendment

Amend RSA 15:2-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

15:2-a Name Tag. Any person who is required to register as a lobbyist under RSA 15:1 shall wear on his outer garment a clearly visible name tag when lobbying in the state house or the legislative office building. Such name tag shall have white lettering on a green background and shall be at least 1-1/2 inches high and 2-1/2 inches long. This name tag shall consist of lobbyist's first and last name and the word "lobbyist" or the name of the organization represented in letters at least 1/4 inch high.

Amendment adopted.

Ordered to third reading.

HB 275, relative to expanding the jurisdiction of the legislative utility consumers' council. Ought to Pass with Amendment. Rep. Roderick O'Connor for Legislative Administration.

Testimony by the Consumer Advocate demonstrated need for this bill. Citizens already seek the office's help outside of its jurisdiction. The amendment creates a ninth member coming from the House. Unanimous vote of members present.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the membership of the legislative utility consumers' council and expanding the council's jurisdiction

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Legislative Utility Consumers' Council; Membership Qualifications Clarified. Amend RSA 363-C:2 (supp) as inserted by 1976, 58:2 by striking out said section and inserting in place thereof the following:

#### 363-C:2 Legislative Utility

Consumers' Council Established. There is hereby established a legislative utility consumers' council which shall consist of 9 councilors, 4 of whom shall be senators and appointed by the president of the senate, and 5 of whom shall be representatives and appointed by the speaker of the house, whose term of service on the council shall be concurrent with their term in the general court. No more than 2 councilors shall be drawn from the majority party in the senate and no more than 3 councilors shall be drawn from the majority party in the house.

#### 3 Powers, Functions and Duties

Expanded. Amend RSA 363-C:8 (supp) as inserted by 1976, 58:2 by striking out said section and inserting in place thereof the following:

363-C:8 Powers, Functions and Duties. The council shall have the powers, functions and duties limited to the following in regard to utilities:

I. To conduct or contract for studies, surveys, research or expert testimony in or for all matters affecting utility consumers' interests;

II. To promote and further consumer education;

III. To petition for, initiate, appear or intervene in, any proceeding before any board, commission, agency, court or regulatory body in which the interests of utility consumers are involved and to represent the interests of such consumers;

IV. To receive grants, contributions or other financial assistance from the federal government or any public or private corporation or individual;

V. To perform such other functions as may be necessary to carry out the powers and duties of this chapter.

#### 4 Consumer Advocate; Duties

Expanded. Amend RSA 363-C:9 (supp) as inserted by 1976, 58:2 by striking out said section and inserting in place thereof the following:

363-C:9 Consumer Advocate; Operations. Operations of the council shall be carried out by a consumer advocate who shall be appointed by the councilors. The consumer advocate shall be a qualified attorney admitted to practice in this state who shall hold office for an indefinite term, at the pleasure of the council, at a salary established by the council. The consumer advocate shall be empowered to petition for, initiate, appear or intervene in, any proceeding concerning utilities before any agency, board, commission, court or regulatory body in which the interest of utility consumers are involved and to represent the interests of such consumers. Nothing in this chapter shall be construed to exclude any other party, attorney or representative for any party from participating in such proceeding. The consumer advocate shall employ a deputy and such other assistants, clerical and administrative staff as necessary and within the limits of funds available for

that purpose. The deputy and all other staff shall serve at the pleasure of the consumer advocate, at a salary established by the council.

5. Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 181, allowing senior citizens to play beano for a nominal cash prize. Inexpedient to Legislate. Rep. Cunningham for Regulated Revenues.

Since present law permits Beano to be played and prizes to be given without a license when cards are not sold, the bill seems unnecessary.

Rep. Parolise moved that the words, ought to pass be substituted for the committee report, inexpedient to legislate, and spoke to his motion.

Rep. Cunningham spoke against the motion.

Reps. Campbell and William Desmarais spoke in favor of the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 203 NAYS 106

YEAS 203

BELKNAP: Beard, Hildreth, Lawton, Mansfield, Marsh, James Murray and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Daniel Eaton, Irvin Gordon, Marshala, Matson, Parker, Margaret Ramsay, Russell, Slack, Terry and Whipple.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Hunt, Patenaude, Poulin, Alcide Valliere and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Clark, Cornelius, Dearborn, Gemmill, Mann, McAvoy, Neil McIver, Pepitone, Snell, Stomberg, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Bednar, Belanger, Emile Boisvert, Brody, Burke, Carswell, Coburn, Coughlin, Coutermarsh, Crotty, Cullity, Currier, William Desmarais, Arline Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Daniel Healy, Kaklamanos, Lachance, Madigan, Martin, McGlynn, Morgan, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Record, Simard, Sing, Edward Smith, Soucy, St. George, Stylianos, Francis Sullivan, Kevin Sullivan, Wallace, Geraldine Watson, Welch, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Laurent Boucher, Carroll, Foley, Richard Hanson, Kidder, LaBonte, Donna MacIvor, McNichol, Mullin, Pelton, Doris Riley, Gerald Smith, Stockman, Doris Thompson, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Aller, Barka, Bisbee, Blake, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Beverly Gage, Goff, Grieco, Kane, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Joseph McEachern, Parolise, Pucci, Richards, Rossley, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Webster, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lessard, Morrisette, Dennis Ramsey, Ruel, Donald Smith, Tripp and Allen Wilson.

SULLIVAN: Brodeur, Burrows, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Lucas, Scott, Sara Townsend and George Wiggins.

NAYS 106

BELKNAP: Ambrose, Bowler, Marshall French, Morin and Kenneth Randall.

CARROLL: Claflin, Found, Keller and Towle. CHESHIRE: Chase, Fillback, Anne Gordon, Hogan, Elmer Johnson, Krause, Ladd, Scranton, Vrakatitsis and Terry Wiggin.

COOS: Huggins, George Lemire, Oleson, Theriault, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Crory, Duhaime, Myrl Eaton, Hough, LaMott, Logan, Rounds, Taffe and Glyneta Thomson.

HILLSBOROUGH: Ainley, Arnold, Barrett, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Colson, Mark Connolly, Corser, Dupont, Clyde Eaton, Joseph Eaton, Cort Hansen, Head, Heald, Howard Humphrey, Karnis, Levesque, Lyons, Martineau, Morrison, Peters, Harold Thomson, Van Loan, Wallin and M. Arnold Wight.

MERRIMACK: Bibbo, John Cate, Chandler, Hess, Polly Johnson, McLane, Packard, Rice, Rich, Shepard, Waters and Wiviott.

ROCKINGHAM: Akerman, Cunningham, Cutcliffe, Flanagan, Carl Gage, Gould, Griffin, Hartford, Donna McEachern, Nelson, Niebling, Norton, Parr, Rogers, Sanborn, Scamman, Stimmel and Vlack.

STRAFFORD: Maloomian, Meader, Nadeau, Osgood, Preston, Sackett, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Palmer and Tucker, and the motion, to substitute ought to pass, was adopted.

Question being, shall HB 181 be ordered to third reading.

Ordered to third reading.

HB 182, allowing senior citizens to play beano for a nominal cash prize in towns with populations of 20,000 or more. Inexpedient to Legislate. Rep. Cunningham for Regulated Revenues.

The Committee voted Inexpedient on this bill for the same reasons as on HB 181.

Resolution adopted.

HB 76, making an appropriation for library development grants. Ought to Pass with Amendment. Rep. Aeschliman for State Institutions.

The Committee recommends that HB 76 ought to pass with amendment reducing the funding level to \$74,918 or one-third of the amount requested. The Committee believes some funding of the development program is essential to preserve the state-wide library system. Because of the present budget constraints, the Committee feels that a funding level of \$74,918 is a more realistic proposal. If this funding level is achieved by the state it is possible that additional federal monies could bring the total level of funding up to 50% of the amount requested.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. There is hereby appropriated to the state library the sum of \$74,918 for the 1978 fiscal year, and a like amount for the 1979 fiscal year for the purpose of providing grants to public libraries in accordance with RSA 201-C. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 226, relative to making a supplemental appropriation for the veterans' home. Ought to Pass with Amendment. Rep. Collins for State Institutions.

Amends the supplemental appropriation to \$6500. This reduction was possible because of the release of operating expenses previously withheld due to a directive issued by the fiscal Committee. The bill will provide necessary funds for increased operating expenses in food, fuel and utilities. This institution has to date surpassed its estimated income by some \$91,000 for fiscal 1977.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Veterans' Home Appropriation. In addition to any other sums appropriated to the veterans' home, the sum of \$6,500 is hereby appropriated to the veterans' home for fiscal year 1977. The governor is authorized to draw his warrant out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 8, relative to the authority of the state fire marshal to order autopsies. Ought to Pass with Amendment. Rep. Kenneth Randall for Statutory Revision.

The purpose of this bill as amended, is to change RSA 611:10 to give the state fire marshal the right to order an autopsy in the case of a death attributed to fire. In light of economic conditions of the times, many fires of suspicious origin are taking place. While the fire is in progress the fire marshal may arrive, and if a body is found, time may be saved with the ability of the fire marshal to order an autopsy, start an investigation, without waiting for the arrival of the county attorney or the attorney general.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Ordering of Autopsies by Local Fire and Police Chiefs. Amend RSA 611:10 by inserting in line 2 after the word "made" the following (The state fire marshal shall order an autopsy to be made if death is attributed to fire and he deems an autopsy necessary.) so that said section as amended shall read as follows:

611:10 Autopsy, Ordering. The county attorney or the attorney general, if they deem an autopsy necessary, shall direct that one be made. The state fire marshal shall order an autopsy to be made if death is attributed to fire and he deems an autopsy necessary.

Amendment adopted.

Ordered to third reading.

HB 17, permitting absentee voting in elections of the union school district in Concord. Ought to Pass with Amendment. Rep. Rice for Statutory Revision.

This bill as amended allows absentee voting in Concord Union School District if the qualified voter is sick or out of the district on the day of the election.

To become legally effective, this bill must be voted for by a majority of those voting in a referendum to be held in November 1977, the regular school election date.

The Committee unanimously agreed that the voters of the Concord Union School District be afforded this opportunity.

#### Amendment

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Preparation of Ballots to Complement Absentee Balloting. Amend 1961, 355:4 by striking out said section and inserting in place thereof the following:

355:4 Preparation of Ballots. The clerk of the district or some other competent person designated by the board of education shall prepare all ballots to be used at the district elections. The ballot shall contain the names, in alphabetical order without party designation, of all persons who file with the district clerk as candidates for the office of member of the board of education not sooner than the forty-fifth day nor later than the thirtieth day before the election. Each candidate shall pay to the clerk, for the use of the district, \$3, except one on whose behalf a petition shall have been filed by at least 50 qualified voters. No name shall be printed on the ballot by reason of such a petition unless consent thereto shall be endorsed on the petition by the candidate himself, not later than the tenth day before the election. Below the names of the candidates on the ballot there shall be provided 3 blank spaces for the election of members of the board of education, which may be used by the voters. The district clerk shall have the same powers and duties with reference to district elections as has the secretary of state with reference to biennial elections, so far as such powers and duties are not inconsistent herewith.

3 Referendum. This act shall not take effect unless it is adopted by a majority vote of those present and voting at the regular school board election in November 1977, as hereinafter provided. The clerk of the Concord union school district shall cause to be printed at the bottom of the ballot prepared for the election of members of the board of education the following question "Shall the provisions of an act entitled 'An Act permitting absentee voting in elections of the union school district in Concord' passed at the 1977 session of the legislature, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to have been adopted. The school district clerk shall within 10 days of said election certify to the secretary of state the result of the vote on the above question.

4 Effective Date. Section 3 of this act shall take effect upon its passage and sections 1 and 2 shall take effect as provided in section 3.

Amendment adopted.

Ordered to third reading.

HB 79, relative to the location of cemeteries. Ought to Pass with Amendment. Rep. Dunfey for Statutory Revision.

The Committee unanimously felt that HB 79 ought to pass with amendment. The bill provides adequate protection for property owners from unwanted encroachment of cemeteries. The amended bill will prevent costly and unnecessary construction problems in future expansion and construction of roads and highways.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Cemeteries; Locational Limits Changed. Amend RSA 289:2 by striking out said section and inserting in place thereof the following:

289:2 Location. No cemetery shall be laid out within 300 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor any enlargement of existing cemeteries within 50 feet, except when the land so laid out is at a greater distance from such other property than the original cemetery for the enlargement of which such lands shall be taken, and except that such enlargement may be laid out within 50 feet of the right of way of all classifications of highways.

Amendment adopted.

Ordered to third reading.

HB 82, relative to the surnames of spouses after marriage. Majority: Ought to Pass with Amendment. Rep. Hartford for Statutory Revision; Minority (Reps. Eaton, Podles, Pelletier and Lovejoy): Inexpedient to Legislate.

Majority: The purpose of the bill, as amended, is to write into the statutes that a person may choose and declare the surname that each party to a marriage intends to use as a married person. Although each person has the common law right to use any name he or she wishes, except for purposes of fraud, some women have met with harassment when they chose to use a surname other than their husband's. By stating what is now allowed under common law, the legislation will alleviate the harassment since a written statute will support the basic right and persons will not be compelled to seek out court orders and court opinions to justify that right. Minority: A minority of the Committee on Statutory Revision believes that HB 82 be voted Inexpedient to Legislate. It feels that this does not need to be put on the books because it affects less than one half a percent of our



population. It also will be a great burden on our town clerks, tax collectors, and school superintendents. It is also legal to have a hyphenated name at the present time. Therefore, why make it a law?

Rep. Clyde Eaton moved that the words, inexpedient to legislate be substituted for the committee report, ought to pass with amendment, and spoke to his motion. Reps. Griffin, Joseph MacDonald and Hartford spoke against the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

On a voice vote, the Speaker was in doubt and requested a roll call.

(Speaker Presiding)  
YEAS 151 NAYS 162  
YEAS 151

BELKNAP: Marshall French, Lawton, Marsh, Morin and James Murray.

CARROLL: Howard, Kenneth MacDonald, Kenneth Smith and Towle

CHESHIRE: Callahan, Fillback, Anne Gordon, Irvin Gordon, Elmer Johnson, Marshala, Scranton, Slack and Whipple.

COOS: Cooney, Fortier, Horton, Huggins, Mabel Richardson, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaine, Logan, Mann, McAvoy, Snell and Glyneta Thomson.

HILLSBOROUGH: Ainley, Arnold, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bridges, Burke, Carswell, Coburn, Joseph Cote, Cullity, William Desmarais, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Head, Heald, Karnis, Lachance, Levesque, Madigan, Martineau, Morgan, Nardi, Pelletier, Arnold Perkins, Peters, Podles, Quigley, Record, Henry Richardson, Seamans, Simard, Soucy, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Geraldine Watson, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, John Cate, Chandler, Polly Johnson, LaBonte, Donna MacIvor, Mullin, Packard, Rich, Doris Riley, Shepard, Gerald Smith, Doris Thomson, Waters and Wiviott.

ROCKINGHAM: Akerman, Bisbee, Connors, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Erler, Felch, Gould, Kashulines, King, Laycock, Lovejoy, Joseph McEachern, Nelson, Norton, Richards, Rogers, Sanborn, Scamman, Schwaner, Stratton, Tavitian, Vlack and Webster.

STRAFFORD: Canney, Walter Desmarais, Donnelly, Hebert, Jocas, Maloomian, Meader, Osgood, Preston, Torrey and Tripp.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, LeBrun, Lewko, Palmer, Scott, Tucker and George Wiggins.

NAYS 162

BELKNAP: Ambrose, Beard, Hildreth, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson and Found.

CHESHIRE: Chase, Close, Daniel Eaton, Galloway, Hogan, Krause, Ladd, Parker, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Terry Wiggin.

COOS: Bradley Haynes, Hunt, George Lemire, Oleson, Patenaude, Poulin, Theriault, Wiswell and Neila Woodward.

GRAFTON: Chambers, Cornelius, Crory, Gemmill, Neil McIver, Pepitone, Rounds, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Bosse, Roland Boucher, Brack, Brody, Colson, Mark Connolly, Corser, Coughlin, Crotty, Currier, Catherine-Ann Day, Arline Dion, Drewniak, Gelinas, Girolimon, Cort Hansen, Howard Humphrey, Kaklamanos, Lyons, Marcoux, Martin, McDonough, McGlynn, Morrison, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Plomaritis, Polak, Sing, Edward Smith, Leonard Smith, Spirou, St. George, Stahl, Van Loan, Wallace, Wallin, Welch, Robert Wheeler and Ziakas.

MERRIMACK: Bibbo, Blakeney, Laurent Boucher, Carroll, Foley, Gamache, Hess, Kidder, McNichol, Pelton, Plourde, Rice, Stockman, Trachy and Ernest Valliere. ROCKINGHAM: Aeschliman, Blake, Blanchette, William Boucher, Campbell, Carpenito, Robert Day, Dunfey, Flanagan, Beverly Gage, Carl Gage, Goff, Griffin, Hartford, Kane, Krasker, Joseph MacDonald, Maynard, Donna McEachern, Niebling, O'Keefe, Parolise, Parr, Pucci, Rossley, Skinner, Spaine, Stimmell, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lessard, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Ingram, Lucas and Sara Townsend, and the motion lost.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Marriages. Amend RSA 457 by inserting after section 42 the following new subdivision:

457:43 Married Persons. Upon marriage each of the parties to a marriage may declare the surname each will use as a married person. The surname chosen may be the person's own, that of the person's spouse alone or that of the person's spouse placed before or after the person's own surname and separated by a hyphen.

Question being on the committee amendment. On a voice vote, the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 166 NAYS 149

YEAS 166

BELKNAP: Ambrose, Beard, Hildreth, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson and Found.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Galloway, Hogan, Krause, Ladd, Parker, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Terry Wiggins.

COOS: Bradley Haynes, George Lemire, Oleson, Patenaude, Poulin, Wiswell and Neila Woodward.

GRAFTON: Chambers, Cornelius, Crory, Gemmill, Neil McIver, Pepitone, Rounds, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Emile Boisvert, Bosse, Brack, Brody, Colson, Mark Connolly, Corser, Coughlin, Crotty, Cullity, Currier, Catherine-Ann Day, Arline Dion, Drewniak, Gelinis, Girolimon, Granger, Cort Hansen, Kaklamanos, Lyons, Martin, McDonough, McGlynn, Morrison, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Plomaritis, Polak, Simard, Sing, Edward Smith, Leonard Smith, Spirou, St. George, Stahl, Van Loan, Wallin, Welch, Robert Wheeler and Ziakas.

MERRIMACK: Bellerose, Blankeny, Laurent Boucher, Carroll, Foley, Gamache, Hess, Kidder, McLane, McNichol, Pelton, Plourde, Rice, Rich, Stockman, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blake, Blanchette, William Boucher, Campbell, Carpenito, Robert Day, Dunfey, Flanagan, Beverly Gage, Carl Gage, Goff, Gould, Griffin, Hartford, Kane, Krasker, Joseph MacDonald, Maynard, Donna McEachern, Niebling, O'Keefe, Parolise, Parr, Pucci, Rossley, Skinner, Splaine, Stimmell, Webster, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Donnelly, Bruce French, Charles Grassie, Dianne Herche, James Herche, Horrigan, Joos, Kelly, Kincaid, Lessard, Morrisette, Rod O'Connor, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Ingram, Lucas, Palmer and Sara Townsend.

NAYS 149

BELKNAP: Marshall French, Lawton, Marsh, Morin and James Murray.

CARROLL: Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Fillback, Anne Gordon, Irvin Gordon, Elmer Johnson, Marshala, Scranton, Slack and Whipple.

COOS: Cooney, Fortier, Horton, Huggins, Hunt, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Gate, Clark, Dearborn, Duhaime, Logan, Mann, McAvoy, Snell and Glyneta Thomson.

HILLSBOROUGH: Ainley, Arnold, Barrett, Bednar, Belanger, Wilfrid Boisvert, Roland Boucher, Bridges, Burke, Carswell, Coburn, Joseph Cote, William Desmarais, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Sal Grasso, Head, Heald, Howard Humphrey, Karnis, Lachance, Levesque, Madigan, Marcoux, Martineau, Morgan, Nardi, Paradis, Pelletier, Arnold Perkins, Peters, Podles, Quigley, Record, Henry Richardson, Seamans, Soucy, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Wallace, Geraldine Watson, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bibbo, John Cate, Chandler, Polly Johnson, LaBonte, Donna MacIvor, Mullin, Packard, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Waters and Wiviott.

ROCKINGHAM: Akerman, Bisbee, Connors, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Erler, Felch, Kashulines, King, Laycock, Lovejoy, Joseph McEachern, Nelson, Norton, Richards, Rogers, Sanborn, Scamman, Schwaner, Stratton, Tavitian and Vlack.

STRAFFORD: Canney, Walter Desmarais, Hebert, Joncas, Maloomian, Meader, Nadeau, Osgood, Preston, Torrey and Tripp.

SULLIVAN: Barrus, Brodeur, Burrows, D'Amante, Desnoyer, Gray, LeBrun, Lewko, Scott, Tucker and George Wiggins, and the amendment was adopted.

Ordered to third reading.

HB 97, relative to the duty to record the discharge of an attachment upon real estate. Ought to Pass with Amendment. Rep. Rice for Statutory Revision. The Committee voted unanimously (15-0) that this bill would provide additional protection to the homeowner. The bill removes the burden of discharging an attachment on

real estate from the owner and places the responsibility on the plaintiff. As amended, the bill further insures the homeowner of the removal of attachment.

The amendment further establishes the discharge fee be in compliance with RSA 478:17-g.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Plaintiff's Duty. Amend RSA 511:8 as amended by striking out said section and inserting in place thereof the following:

511:8 Dissolution. When an attachment upon real estate is dissolved, or the levy thereunder is defeated, the plaintiff or his attorney shall give to the defendant or owner of the land a discharge thereof, and the plaintiff or his attorney, within 30 days after such attachment is dissolved or levy thereunder defeated, shall cause the discharge to be recorded in the office of the register of deeds in which said attachment or levy is recorded, and shall pay the register the fee required by RSA 478:17-g for making such record.

Amendment adopted.

Rep. Rice yielded to questions.

Ordered to third reading.

HB 200, permitting a court to require a delinquent child to make restitution. Ought to Pass. Rep. Carswell for Statutory Revision.

Present law does not specifically state that a judge may or may not allow restitution. Inasmuch as this procedure has had beneficial results, this bill merely legalizes an ongoing time proven practice. Ordered to third reading.

HB 215, permitting the posting of "for sale" signs in mobile home parks. Ought to Pass with Amendment. Rep. Joseph MacDonald for Statutory Revision.

This bill permits a resident of a mobile home park to place a "for sale" sign on his mobile home. The bill also prohibits an owner or operator of a mobile home park from making any rule, regulation or rental contract provision to abrogate or limit the right to post such "for sale" signs.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Rights Defined. Amend RSA 205-A:2, II (supp) as inserted by 1973, 291:1 by striking out said paragraph and inserting in place thereof the following:

II. Deny any resident of a mobile home park the right to sell at a price of his own choosing, said resident's mobile home within the park or require the resident or purchaser to remove the mobile home from the park solely on the basis of

the sale thereof. A resident of a mobile home park may place no more than 2 "for sale" signs on or in his mobile home for the purpose of selling said home. Such "for sale" signs shall not be of a neon or flashing type. The maximum size of such signs shall be as permitted by the local zoning ordinance, however, if there is no applicable zoning ordinance the maximum size shall be 216 square inches. The owner or operator of a mobile home park shall make no rule, regulation or rental contract provision to abrogate or limit this right. The park owner or operator may reserve the right to approve the purchaser of said mobile home as a tenant, but such permission may not be unreasonably withheld. The park owner or operator may require as a condition of said permission that the purchaser and his household meet the current rules of the park. The park owner or operator shall not exact a commission or fee with respect to the price realized by the seller unless the park owner or operator has acted as agent for the mobile home owner pursuant to a written contract.

Amendment adopted.

Rep. Close offered an amendment.

#### Amendment

Amend RSA 205-A:2, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Deny any resident of a mobile home park the right to sell at a price of his own choosing, said resident's mobile home within the park or require the resident or purchaser to remove the mobile home from the park solely on the basis of the sale thereof. A resident of a mobile home park may place no more than 2 "for sale" signs on or in his mobile home for the purpose of selling said home. Such "for sale" signs shall not be of a neon, electric or flashing type. The maximum size of such signs shall be as permitted by the local zoning ordinance, however, if there is no applicable zoning ordinance the maximum size shall be 216 square inches. The owner or operator of a mobile home park shall make no rule, regulation or rental contract provision to abrogate or limit this right. The park owner or operator may reserve the right to approve the purchaser of said mobile home as a tenant, but such permission may not be unreasonably withheld. The park owner or operator may require as a condition of said permission that the purchaser and his household meet the current rules of the park. The park owner or operator shall not exact a commission or fee with respect to the price realized by the seller unless the park owner or operator has acted as agent for the mobile home pursuant to a written contract.

The Assistant Clerk read the amendment in full.

Rep. Close spoke to his amendment.

Rep. Joseph MacDonald spoke in favor of the amendment.

Amendment adopted.  
Ordered to third reading.

HB 251, relative to the police standards and training council. Ought to Pass. Rep. Morrisette for Statutory Revision.

This bill would no longer permit police officers to hold certificates of satisfaction from the Police Standards and Training Council, serving as of July 2, 1971, without taking the training courses or other standards that meet the requirement of the council.

Ordered to third reading.

SB 49, exempting certain vehicles from the motor vehicle title law. Ought to Pass with Amendment. Rep. James Murray for Transportation.

The testimony by the sponsor demonstrated to the Committee that the current registration of vehicles more than ten years of age is clogging up the Title Bureau. Cars more than ten years old are not generally of great worth and should not have to be titled. The exception of trucks or truck tractors 18,000 pounds or more is due to the fact that these vehicles are still very valuable even after they are ten years of age. The amendment corrects a typographical error.

#### Amendment

Amend RSA 269-A:2, I, (k) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(k) any motor vehicle whose manufacturer's model year is older than 10 years, except heavy trucks and truck-tractors whose gross vehicle weight exceeds 18,000 pounds.

Amendment adopted.  
Ordered to third reading.

HB 196, providing for permanent non-driver's picture identification cards for age and residence identification purposes. Ought to Pass with Amendment. Rep. James Murray for Transportation.

This bill is designed to aid the elderly and the handicapped in the cashing of checks, obtaining Social Security benefits and Old Age benefits. Each applicant must furnish proof of his identification on his application and the state will not be liable for the misuse or falsification of this card by the card holder.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

authorizing the issuance of non-driver's picture identification cards.

Amend RSA 259:21 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 259:21 Identification Cards.

I. The director shall upon application issue a non-driver's picture identification card to any resident who:  
(a) Is 55 years of age or older and does not possess a driver's license, or  
(b) Is handicapped and does not possess a driver's license.

II. The director shall, before issuing a card to an applicant, require the applicant to furnish proof of his age and residence.

III. The identification card shall bear the name, address, social security number, date of birth, blood type (optional), picture and signature of the applicant.

IV. The identification card shall be valid for 5 years from the date of issuance.

V. The fee for such card shall be \$2 and is not refundable.

VI. Any person who knowingly alters the information contained on the identification card or misrepresents to the director any information on the card shall be guilty of a misdemeanor.

VII. The state of New Hampshire shall not be liable in any action when the information contained on the card is false or when any unauthorized person misuses said card.

Amendment adopted.  
Referred to Appropriations.

HB 205, relative to claims for damages against motor transport companies. Ought to Pass with Amendment. Rep. James Murray for Transportation.

The Committee recommends this bill pass as amended as it deals with a significant problem. The Committee sees many inequities in the current payment of claims for damaged goods by cargo carriers. In addition to taking up to five months to get many claims, the claimant is often put through other administrative inconveniences. This bill seeks to reduce the great time problem in collecting claims.

#### Amendment

Amend RSA 375-A:8-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

375-A:8-a Damage Claims. If a household goods carrier receives a bona fide damage claim from the owner or owners of property transported by such carrier and the damage to such property was caused by the household goods carrier, then such carrier may pay such claim, up to \$50, immediately and shall pay all other claims within 30 days after such carrier receives such claim.

Amendment adopted.



Rep. James Murray moved that HB 205 be recommitted to the Transportation committee, and spoke to his motion.  
Adopted.

HB 233, relative to restrictions on the use of landings for aircraft operated for compensation or hire. Ought to Pass with Amendment. Rep. James Murray for Transportation.

This bill is requested by the Aeronautics Commission. It is a clarification of the Commission's jurisdiction over the permission to use landing areas for aircraft landing and, the location of authorized landing sites on land, water and ice. The amendment corrects a typographical error.

#### Amendment

Amend RSA 422:34, VI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VI. For any person to operate or to authorize operation of aircraft on or from any landing area of the state for compensation or hire, unless said landing area is registered with the commission with commercial operating privileges granted. For the purposes of this section, a landing area used on an occasional basis by an aircraft being flown for compensation or hire (i.e., charter or air taxi operation) shall not be considered a landing area subject to registration with commercial operating privileges provided acceptable safety standards are adhered to. All landings on water or ice areas shall be subject to the requirements of paragraph VIII.

Amendment adopted.

Ordered to third reading.

HB 255, relative to the registration of aircraft or air carriers that are "home based" in New Hampshire. Ought to Pass with Amendment. Rep. James Murray for Transportation.

This bill, requested by the Aeronautics Commission, is purely a housekeeping bill. It clarifies the definition of an "air carrier" and the registration requirements for air carriers.

The amendment is the correction of a typographical error.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Definition of Air Carrier. Amend RSA 422:3, II by striking out said paragraph and inserting in place thereof the following:

II. "Air carrier" means any person who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air commerce.

Amendment adopted.

Ordered to third reading.

HB 270, amending the capital improvement appropriation for the aeronautics commission relative to total project cost in order to permit use of appropriated funds with increased percentage of federal participation. Ought to Pass. Rep. James Murray for Transportation.

This bill was referred to the Transportation Committee to help inform it of the money being spent in the airports, a great interest of this Committee.

Rep. James Murray moved that HB 270 be committed to the Public Works committee, and spoke to his motion.

Adopted.

HB 301, relative to the timber yield taxes. Ought to Pass with Amendment.

Rep. McLane for Ways and Means.

This bill will increase the efficiency of collection of the timber tax and potentially increase the yield to the cities and towns by providing that 9% interest be charged on unpaid timber yield taxes from the due date. Present law computes interest only after December 1. The bill was filed at the request of the Department of Revenue Administration. The Committee vote was unanimous.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Interest on Unpaid Timber Tax. Amend RSA 79:3 (supp) as amended by striking out said section and inserting in place thereof the following:

79:3 Normal Yield Tax. A normal yield tax at the rate of 10 per cent on the stumpage value at the time of cutting shall be assessed by the assessing officials within 30 days after receipt of a report of wood or timber cut is filed with said officials in the town in which said operation took place. Said tax shall become due and payable within 30 days after the mailing of the bill by the tax collector. Taxes not paid when due shall bear interest at the rate of 9 percent per year computed from the due date.

Rep. McLane moved that HB 301 be recommitted to the Ways and Means committee.

Adopted.

HB 302, to provide for interest on tax refunds for all taxes administered by the department of revenue administration and making an appropriation therefor. Ought to Pass with Amendment. Rep. McLane for Ways and Means.

This bill was filed at the request of the Department of Revenue Administration in the interest of fairness to the taxpayer. Since the department collects penalties for underpayment of taxes, it feels that it is only fair that it should pay

interest to taxpayers for overpayment of taxes in the rare instance that they are not refunded within the three-month period. The Ways and Means Committee unanimously agreed.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to provide for interest on tax refunds for all taxes administered by the department of revenue administration.

Amend the bill by striking out all after the enacting clause and inserting after place thereof the following:

1 Paying Interest on Overpayment of Taxes. Amend RSA 71-A by inserting after section 38 the following new subdivision:

#### Interest on Overpayment--General

71-A:39 Interest. Under rules prescribed by the commissioner, interest shall be allowed and paid at the rate of 10 percent per annum upon any overpayment of taxes administered by the department. No interest shall be allowed or paid on amounts less than \$1.00. If any overpayment of tax administered by the department is refunded within 3 months after the due date or authorized extension date or within 3 months after the return is filed, whichever is later, no interest shall be allowed under this section. Upon certification by the commissioner, the state treasurer shall refund the overpayment with interest from the revenue of the specific tax.

2 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Referred to Appropriations.

The Speaker announced that the referral to Appropriations on HB 275, relative to the membership of the legislative utility consumers' council and expanding the council's jurisdiction, had been rescinded.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Tarr and Roberts offered the following:

HOUSE CONCURRENT RESOLUTION NO. 5  
establishing a legislative committee  
to plan for a re-enactment of  
the Battle of Bennington.

WHEREAS, the bicentennial observances in the state of New Hampshire have been historically and educationally successful; and

WHEREAS, the last major event of New Hampshire Bicentennial Committee, in

cooperation with the State of Vermont, will be a re-enactment of the Battle of Bennington to be held in August, 1977; and

WHEREAS, New Hampshire provided a majority of the troops that fought successfully in the Battle of Bennington; and

WHEREAS, these troops were authorized and maintained by the New Hampshire General Court in Exeter convened, now therefore be it

RESOLVED by the House of Representatives, the Senate concurring: That there is hereby established a special legislative committee on the Battle of Bennington to consist of 4 members of the House of Representatives appointed by the Speaker, and 3 members of the Senate appointed by the President of the Senate, and that the duties of this committee shall be (a) to research and document the role of the New Hampshire General Court in the preparations leading to the Battle of Bennington, (b) meet and cooperate with the New Hampshire Bicentennial Committee in order to share information and coordinate planning, and (c) organize and implement a re-enactment of the legislative session which authorized New Hampshire participation in the Battle of Bennington. Members of the committee shall receive legislative mileage for attending to the business of the committee.

The clerk read the resolution in full. Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 10 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 271, relative to the proper display of the state and national flags.

HB 52, relative to a person's property rights after his conviction for cruelty to animals.

HB 160, relative to the procedure used to handle complaints filed with the commission for human rights.

HB 187, amending the penalty provisions of the mobile home park law.

HB 223, requiring all lobbyists to wear a name tag when lobbying in the state house or the legislative office building.

HB 275, relative to the membership of the legislative utility consumers' council and expanding the council's jurisdiction.

HB 181, allowing senior citizens to play beano for a nominal cash prize.

HB 8, relative to the authority of the state fire marshal to order autopsies.

HB 17, permitting absentee voting in elections of the union school district in Concord.

HB 79, relative to the location of cemeteries.

HB 82, relative to the surnames of spouses after marriage.

HB 97, relative to the duty to record the discharge of an attachment upon real estate.

HB 200, permitting a court to require a delinquent child to make restitution.

HB 215, permitting the posting of "for sale" signs in mobile home parks.

HB 251, relative to the police standards and training council.

SB 49, exempting certain vehicles from the motor vehicle title law.

HB 233, relative to restrictions on the use of landings for aircraft operated for compensation or hire.

HB 255, relative to the registration of aircraft or air carriers that are "home based" in New Hampshire.

#### RECONSIDERATION

Rep. Chambers moved that the House reconsider its action whereby it passed HB 181, and spoke against her motion.

Reconsideration lost.

339 members were recorded as present.

#### RECESS

Rep. Marshall French moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 16

*Thursday, 10 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

"... then I understood the end of the doers of evil. Namely, how Thou dost see them in slippery places; and castest them down and destroyest them." Psalm 73:17-18.

Almighty . . .

Forgive

My doubt,

My anger,

My pride,

By thy mercy

Abase me,

By Thy strictness

Raise me up. (Dag Hammarskjöld -

MARKINGS, p. 217)

"And they remembered that God was their strength -" Psalm 78:35

God - be our strength! Amen!

Rep. Erler led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Karnis, Miller, L. Penny Dion, Shea, Ganley, Forsaith Daniels, Frizzell, Anthony Randall and James J. White, the day, illness.

Reps. Brodeur, James Herchek, Chapman, William Boucher, Appel, Emma Wheeler, Milton Cate, Tarr, LaFleur, Robert Watson, James Humphrey, Pratt, Maglaras and Goyette, the day, important business.

## INTRODUCTION OF GUESTS

Miss Marion Frazer of Winetka, Ill., sister-in-law and guest of Rep. Lessard; Don Nichols, N.H. Coalition for Handicapped Citizens, guest of the Speaker.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 618 through 650 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS

First, second reading and referral

HB 618, prohibiting the illuminating of wildlife during the months of September, October and November. (Polak of Hillsborough Dist. 14, for Department of Fish and Game - To Fish and Game)

HB 619, extending the open season on pheasant to December first and eliminating the restriction on taking female pheasants. (Polak of Hillsborough Dist. 14, for Department of Fish and Game - To Fish and Game)

HB 620, relative to contributions in the unemployment compensation law. (Daniell of Merrimack Dist. 13 - To Labor, Human Resources and Rehabilitation)

HB 621, relative to the placement of children in licensed facilities. (Sweeney of Hillsborough Dist. 34; Howard of Carroll Dist. 1, for Department of Health and Welfare - To Health and Welfare)

HB 622, relative to the responsibility for public medical assistance. (Murray of Hillsborough Dist. 3, for Department of Health and Welfare - To Health and Welfare)

HB 623, relative to reporting of collateral resources by a welfare recipient and persons liable for support of a dependent child or of a welfare recipient. (Howard of Carroll Dist. 1, for Department of Health and Welfare - To Health and Welfare)

HB 624, relative to the maintenance and care of a child voluntarily placed with an agency by the town in which the child resides. (Copenhaver of Grafton Dist. 13; Nighswander of Belknap Dist. 2, for Department of Health and Welfare - To Health and Welfare)

HB 625, relative to motorboat noise level detectors. (Roberts of Belknap Dist. 4 - To Resources, Recreation and Development.)

HB 626, relative to security deposits and alternative payment plans of public utilities. (Wallin of Hillsborough Dist. 16; Cornelius of Grafton Dist. 13 - To Commerce and Consumer Affairs)

HB 627, prohibiting certain advertising and expenditures by electric, gas and telephone utilities. (Burchell of Strafford Dist. 12; Proctor of Cheshire Dist. 14; Lessard of Strafford Dist. 20; Rossley of Rockingham Dist. 23; Fould of Carroll Dist. 2; Smith of Hillsborough Dist. 14 - To Commerce and Consumer Affairs)

HB 628, relative to the powers of the fish and game commission and the appointment and duties of the director of the department of fish and game. (Wiggins of Sullivan Dist. 8 - To Fish and Game)

HB 629, altering gross weight and axle distribution limits for 5 axle trucks; providing for an increase in registration fees; and limiting vehicle loads to the rated capacity as determined by the manufacturer. (Ambrose of Belknap Dist. 1; Chandler of Merrimack Dist. 3 - To Transportation.)

HB 630, relative to the voting rights of members of the municipal budget committee. (Baker of Hillsborough Dist. 14 - To Municipal and County Government)

HB 631, relative to the appearance and hearing in evictions. (Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24; Stahl of Hillsborough Dist. 17 - To Statutory Revision)

HB 632, relative to tenant responsibility for utilities. (Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24; Stahl of Hillsborough Dist. 17 - To Statutory Revision)



HB 633, relative to method of service in evictions. (Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24; Stahl of Hillsborough Dist. 17 - To Statutory Revision)

HB 634, relative to judgments for landlords in evictions. (Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24; Stahl of Hillsborough Dist. 17 - To Statutory Revision)

HB 635, relative to discretionary stays in evictions. (Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24; Stahl of Hillsborough Dist. 17 - To Statutory Revision)

HB 636, relative to appeals in evictions. (Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24; Stahl of Hillsborough Dist. 17 - To Judiciary)

HB 637, relative to the bank commissioner being authorized to issue regulations for credit unions. (McGlynn of Hillsborough Dist. 21 - To Commerce and Consumer Affairs)

HB 638, requiring the dating of retail containers of dairy products. (Goff of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 639, to prohibit employers from including tips in determining minimum wage rates. (Cote of Hillsborough Dist. 28 - To Labor, Human Resources and Rehabilitation)

HB 640, relative to the regulation of physical therapists. (Cate of Merrimack Dist. 14; Colson of Hillsborough Dist. 12 - To Health and Welfare)

HB 641, requiring tests of equines that win prize money in pulling contests. (Rounds of Grafton Dist. 12 - To Environment and Agriculture)

HB 642, relative to amending local zoning regulations. (Gould of Rockingham Dist. 4; Quimby of Rockingham Dist. 4 - To Municipal and County Government)

HB 643, relative to the qualifications for licensing of chiropractors. (Burns of Coos Dist. 4 - To Health and Welfare)

HB 644, relative to the definition of subdivision under the planning laws. (Taylor of Grafton Dist. 9 - To Municipal and County Government)

HB 645, relative to public hearing for enacting zoning ordinances and building codes. (Hess of Merrimack Dist. 6 - To Municipal and County Government)

HB 646, to provide for the protection of endangered or threatened species of wild plants and non-game wildlife. (Therault of Coos Dist. 9; Wiswell of Coos Dist. 1 - To Fish and Game)

HB 647, repealing the penalty for neglecting children. (Rice of Merrimack Dist. 20 - To Health and Welfare)

HB 648, clarifying certain penalty provisions in the uniform motor vehicle certificate of title and anti-theft act (RSA 269-A). (Close of Cheshire Dist. 15 - To Transportation)

HB 649, relative to prostitution and related offenses. (Johnson of Merrimack Dist. 15 - To Judiciary)

HB 650, amending the property tax laws relative to land, buildings and personal property of the state, cities, towns, school districts and village districts. (Wilson of Rockingham Dist. 2 - To Ways and Means)

#### SENATE MESSAGES

##### CONCURRENCE

HB 117, relative to a town's authority to appropriate for school purposes.

HB 72, making general revisions of the law relating to parachuting.

##### NONCONCURRENCE

HB 26, requiring the use of a protective safety cage when changing split rim truck tires in a repair shop, garage or service station.

#### SIX-DAY EXTENSIONS GRANTED

HB 197, exempting certain towns from the prohibition against burning refuse in an open pit. (Environment and Agriculture)

HB 193, relative to class actions under the consumer protection law. (Judiciary)

HB 202, establishing a Pittsfield judicial district and a Pittsfield district court. (Judiciary)

HB 208, relative to public hearings on variances of zoning regulations. (Municipal and County Government)

HB 209, relative to the procedures of the board of adjustment and the planning boards. (Municipal and County Government)

#### COMMITTEE REPORTS

##### (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 295, 337 and 70, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 184, 166, 264, 71, 141, 220 and SB 25, and further moved that the House adopt the committee recommendation of Refer to Advisory Council established by RSA 281 on HB 292.

HB 70 was withdrawn from the Consent Calendar at the request of Rep. Marshall French.

Adopted.

HB 295, prohibiting the establishment of a real estate branch office unless it is staffed by at least one full-time licensed real estate broker or experienced salesman. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee found it difficult to legislate a new standard for real estate offices on staffing their offices beyond what is already regulated by law. The broker is responsible for transactions, and salespersons are licensed by the state after passing an examination. To set up an arbitrary standard would be nearly impossible to enforce.

HB 337, eliminating annual reapplication requirements for certain property tax exemptions. Inexpedient to Legislate. Rep. Fillback for Municipal and County Government.

This bill by eliminating annual reapplication for certain property tax exemptions eliminates control of the municipalities in granting exemptions and makes it virtually impossible to keep up to date information on property transfers through death, sale, etc. Therefore, the Committee feels that any reduction in paper work is far outweighed by the recordkeeping problems entailed.

HB 184, relative to minimum insurance coverage required for aircraft operated for hire and relative to requirements for security deposits and self-insurer certificates. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs. Updates the law to comply with current regulations.

HB 166, relative to limited openings of smelt brooks to the handicapped. Ought to Pass. Rep. Stimmell for Fish and Game. The Committee vote was 13 - 0. This bill allows the director of the Fish and Game Department to open smelt brooks to fishing by a physically handicapped person and his assistant.

HB 264, permitting towns to adopt a code of ethics for town officers. Ought to Pass. Rep. Faucher for Municipal and County Government.

This bill is simply permissive legislation to allow towns to set up and adopt a code of ethics. The bill carries no requirements or guidelines; and, therefore, the Committee feels this is a reasonable extension of home rule.

HB 71, to reclassify a certain highway in the city of Dover. Ought to Pass. Rep. McLaughlin for Public Works.

This provision will fall under rules governing responsibilities for maintenance of a class V highway. No specific questions were raised on this subject. No appropriation requests accompanied this bill.

HB 141, clarifying the authority to maintain traffic control upon entering the state highway system. Ought to Pass. Rep. Coburn for Public Works.

This bill permits the Commissioner of Public Works and Highways to control traffic entering the state highway system from drives and commercial entrances such as trailer parks, shopping centers, etc. There was no opposition to the bill. The Committee vote was unanimous.

HB 220, relative to state bridge and town bridge aid. Ought to Pass. Rep. Coburn for Public Works.

This bill was passed unanimously by the Committee for two reasons:  
1 - Removal of the requirement for a second meeting of the determination of necessity board at the approval of plans stage that will save time and travel expenses.  
2 - An adjustment of the several equalized valuation limits has become necessary to provide aid to towns and cities equal to that provided in 1971.

HB 319, providing for payment of a claim to David F. Carter and making an appropriation therefor. Ought to Pass. Rep. Norton for Claims, Military and Veterans Affairs.

The bicycle was in excellent condition at time of damage, and was a primary means of transportation between home and work and return by employee of Department of Public Works and Highways. Referred to Appropriations.

SB 25, relative to sweepstakes commission funds. Ought to Pass. Rep. Sanborn for Regulated Revenues.

The bill allows the Sweepstakes Commission to continue its present practices. It is a housekeeping measure. Committee vote was 14 - 0. Referred to Appropriations.

HB 292, redefining "average weekly wage" under the workmen's compensation law. Refer to the Advisory Council established by RSA 281. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Currently, a worker can only collect Workmen's Compensation benefits from the job at which the injury occurred and in accordance with the wages earned at that job. This bill proposes to include all wages earned at other jobs a worker may have with insured employers in determining his/her average weekly wage. The Committee felt that this could have a tremendous impact on Workmen's Compensation profits and consequently, possible rate hikes. A unanimous vote was made in favor of giving this bill to the Advisory Council on Workmen's Compensation which is in a better position to study the potential ramifications and act accordingly.

#### COMMITTEE REPORTS (Regular Calendar)

HB 113, relative to retirement credit of William J. Byrne. Ought to Pass with Amendment. Rep. Irvin Gordon for Claims, Military and Veterans Affairs.

A month long detailed investigation by subcommittee revealed that appellant, in retirement group I, actually performed much more hazardous duties within the State Prison than did other categories of personnel already in retirement group II, the "hazardous duty" group. It was further determined that the failure to transfer the appellant from group I to group II, at a time when other

employees in comparable duty status were being transferred, was due to administrative error and oversight.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Retirement Credit Authorized. Notwithstanding any other provision of law to the contrary, William J. Byrne, a former employee of the New Hampshire state prison, shall be eligible for such benefits as are provided for group II members of the New Hampshire retirement system, including credit for all prior service allowable, as if he had become a group II member from the inception of the New Hampshire retirement system and he is hereby authorized to purchase creditable service in group II of the New Hampshire retirement system for the period from June 20, 1975 to his retirement on the condition that he contributes an amount equal to the difference between the group I assessment and the group II assessment for the stated period as determined by the board of trustees, plus interest at 4 percent for the period from when payment should have been made to the date of payment.

2 Appropriation. There is hereby appropriated for fiscal year 1978 the sum of \$3,026 and a like sum for fiscal year 1979 to the New Hampshire retirement system for the unfunded accrued liability associated with section one of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 358, providing for payment of a claim to the United States Fidelity and Guaranty Company and making an appropriation therefor. Inexpedient to Legislate. Rep. Benton for Claims, Military and Veterans Affairs.

Bill was scheduled for public hearing On Thursday, February 24th, neither the sponsor nor the beneficiary (United States Fidelity and Guaranty Company) appeared at the hearing; public hearing rescheduled for Wednesday, March 2nd. Once again neither sponsor or beneficiary appeared. It is not the duty or responsibility of Committee to spend time and effort seeking sponsors who non-appear for whatever reason. Resolution adopted.

HB 93, relative to the licensing of electrologists. Majority: Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs; Minority: (Rep. Baker) Inexpedient to Legislate.

Majority: This bill will require electrologists to acquire a license in

order to practice electrology in New Hampshire. The license will be issued by the Department of Health and Welfare, Public Health Services, when the applicant pays the required fee and provides evidence of training of at least 1100 hours in an approved school of electrology. An annual inspection of facilities is also required. The committee vote was 9 - 8.

Minority: This bill only creates 30 licenses and will give these people the right to charge much more for their services. It also will cost the state money as the \$25,000. appropriation will not be returned by charging \$75. first year (\$2250) or (\$1500) second year by charging \$50 for license renewals.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 314 by inserting after section 24 the following new subdivision:

#### Electrolysis

314:25 Definitions. As used in this subdivision:

I. "Division" means the division of public health services, department of health and welfare.

II. "Electrologist" means any person who engages in electrolysis for compensation, except the following persons: (1) a physician licensed to practice medicine in state who performs electrolysis in his practice; (2) a person who engages in behalf of a manufacturer or distributor solely in demonstrating the use of any machine or other article for the purpose of sale, without charge to the person who is the subject of such demonstration.

III. "Electrolysis" is the process by which hair is removed from the normal skin by the application of an electric current to the hair root by means of a needle or needles, whether the process employs direct electric current or short wave alternating electric current.

IV. "Office" means the place of business kept open solely for the business of electrology or where equipment and facilities for the practice of electrology for compensation are available as may be authorized by the division.

314:26 License and Registration Required. It shall be unlawful for any person to practice electrolysis in this state unless he shall have first obtained a license as herein provided, unless exempt pursuant to RSA 314:25, II.

#### 314:27 Qualifications for License.

I. APPLICANTS. Upon payment of the fee herein provided, applicants shall be eligible to obtain licenses as follows:

(a) Electrologist. Any person who is a high school graduate or the equivalent and has had training of at least 1,100 hours in a school of electrology approved by the division.



(b) Nonresidents. The division may license any electrologist who has been registered or licensed as such under the laws of another state which, in the opinion of the division, maintains a standard substantially equivalent to that of this state and in which electrologists licensed in this state are given like recognition, upon payment of the fee herein provided.

II. APPLICATIONS. Applicants shall make written application on a form prescribed and supplied by the division which shall contain satisfactory evidence of the qualifications required of the applicant and shall be filed with the division and shall be accompanied by an application fee, which shall include the fee for a license certificate if the applicant qualifies; if the applicant is not qualified upon initial application he may reapply within one year without payment of an additional fee.

#### 314:28 Fees.

I. Each person applying for a license as an electrologist shall pay a fee of \$75 for the initial license and an annual fee for renewing said license of \$50, which shall be due on the first day of July of each year.

II. Any nonresident who is qualified for a license under RSA 314:27, I (b) shall pay the fees prescribed in paragraph I.

314:29 Disposition of Revenue. The division shall receive and issue receipts for all fees received by the advisory board pursuant to this subdivision. The division shall at the end of each year report to the comptroller the total amount of all money received from all sources and shall make weekly deposits with the state treasurer of all the receipts. The compensation and expenses of the inspector shall be paid by the state treasurer upon the warrant of the governor, but the total expenditures for such purposes shall not exceed the total money received by the state treasurer under the provisions hereof.

314:30 Inspections. A formal inspection of an office at least one time per year shall be conducted by a duly authorized inspector.

314:31 Penalty. Any person who violates the provisions of this subdivision shall, if a natural person, be guilty of a misdemeanor and any other person shall be guilty of a felony.

2 Practicing Electrologists. Upon the effective date of this act, any person who is practicing as an electrologist in this state on January 1, 1977, shall be eligible to be licensed pursuant to the provisions of this subdivision.

3. Appropriation. The sum of \$2,500 is hereby appropriated to the division of public health services, department of health and welfare for the fiscal year ending June 30, 1978, and a like sum for the fiscal year ending June 30, 1979, for the purpose of administering the provisions of section 1 of this act. These appropriations are in addition to any

other sums appropriated to the division of public health services, department of health and welfare. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Referred to Appropriations.

HB 296, providing for the amendment of articles of agreement or legislative charter by a mutual savings bank or guaranty savings bank. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This bill authorizes the Board of Trust Company Incorporation to act on charter change requests submitted by savings banks. The legislature must now approve all such requests. Typically, charter changes are of a routine, non-controversial nature. The Board of Trust Company Incorporation may now approve charter change requests submitted by trust companies and cooperative banks. The Committee vote was unanimous. Ordered to third reading.

CACR 10, relating to land use controls. Providing that land use control legislation be subject to referendum and local option. Inexpedient to Legislate. Rep. Corser for Constitutional Revision.

This CACR is of narrow application and inappropriate as an article of the Constitution. If broadened in scope it would overturn our present form of representative government. Vote in Committee was 14 - 0. Resolution adopted.

HB 260, providing for certification of individuals as qualified soil scientists. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

The Committee does not think it is realistic at this time to establish a new board, but agrees there is a growing need for soil scientists as a tool to proper land use planning. Resolution adopted.

HB 335, appropriating funds for the current use advisory board. Ought to Pass. Rep. Rogers for Environment and Agriculture.

This continues the present funding for the current use advisory board. Referred to Appropriations.

HB 227, relative to procedures for appointment and removal of the deputy commissioner of safety. Ought to Pass with Amendment. Rep. Sara Townsend for Executive Departments and Administration.

This bill does essentially three things: It removes the restriction whereby the Deputy Commissioner exercises no supervising authority over the Division of State Police. It



provides minimum qualifications to hold the position. It gives the Deputy Commissioner the same right to due cause before he can be dismissed. The amendment assures that this person shall not suspend or remove any employee without specific approval of the Commissioner.

Rep. Hoar moved that HB 227 be recommitted to the Committee on Executive Departments and Administration.  
Adopted.

HB 329, relative to the tenure of the poet laureate of New Hampshire. Ought to Pass with Amendment. Rep. Sara Townsend for Executive Departments and Administration.

Amendment sets a term of office.

I am Andrea Scranton, Keene, District Sixteen  
Often buried in state budgets so seldom am seen  
But today I am sponsoring Bill number Three Twenty Nine  
And a simpler one this session I'm sure you won't find.

Poet Laureates' in olde England, so history has said  
Lived on and wrote verse until they were dead.  
'Twas a fine tradition they set us, here in this State  
But it seems now's the time to become up to date.

As our poetry society explained it to me  
Our present incumbent stays on indefinitely  
But mores, customs and social changes abound.

So perhaps in the future a shorter term should be found.

An appointment for 5 years is what they suggest

A chance to retire, quit or just take a rest.

But if all are agreeable another term is not barred.

So this gives more options to whomever is BARD.

In conclusion to you on E D and A.  
Thank you for letting me have my say.  
And I hope when your deliberations are spent  
You won't have found this bill inexpedient!

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Poet Laureate; Tenure Changed. Amend RSA 3-A:1 as inserted by 1967, 70:1 by striking out said section and inserting in place thereof the following:

3-A:1 Position Established. There is hereby established the position of poet laureate for the state. The governor, with the advice and consent of the council, shall appoint the poet laureate.

Said person so honored shall be a resident of this state and shall serve for a 5 year term. There shall be no restriction on reappointment.

Amendment adopted.

Ordered to third reading.

HB 137, requiring permission from the trap owner and a conservation officer in the trapping district before a duly licensed trapper may tend another trapper's trap. Ought to Pass with Amendment. Rep. Huggins for Fish and Game.

This clarifies the law in regard to a trapper who is unable to tend his traps, allows another licensed trapper to take his place when sick or disabled. Committee vote 14-1.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

requiring permission from the trap owner before a duly licensed trapper may tend another trapper's traps.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Emergency Trap Tending. Amend RSA 210:13 by inserting in line 5 after the word "hours" the following (Only a person whose name is either stamped or engraved on the traps or on a durable tag securely affixed to the traps shall have the authority to tend the traps. In case of an emergency, the owner of the traps may grant written permission to another duly licensed trapper to tend the traps.) so that said section as amended shall read as follows:

210:13 Visiting Traps. A person shall visit his traps at least once in each calendar day, but such visiting hours shall be between 1/2 hour before sunrise and 1/2 hour after sunset only, provided, however, that a person trapping for beaver through the ice during the open season therefor, shall visit his traps once in each 72 hours. Only a person whose name is either stamped or engraved on the traps or on a durable tag securely affixed to the traps shall have the authority to tend the traps. In case of an emergency, an owner of the traps may grant written permission to another duly licensed trapper to tend the traps.

Amendment adopted.

Ordered to third reading.

HB 173, prohibiting the hunting of wild birds on Little Lake Sunapee. Inexpedient to Legislate. Rep. Wolfson for Fish and Game.

The Committee felt this should be done by local ordinance. Committee vote was 14 - 1.

Resolution adopted.

HB 186, providing for seasons and bag limits on snowshoe hares and cottontail rabbits. Ought to Pass with Amendment. Rep. Felch for Fish and Game.

The bill shortens the season on cottontail rabbits which are very scarce in the northern part of the state. The amendment clarifies the definition of game birds and animals. Committee vote was 13-0.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing for seasons and bag limits on snowshoe hares and cottontail rabbits and defining small game.

Amend the bill by striking out section 2 of same and inserting in place thereof the following:

2 Definitions as Used in Fish and Game Statutes. Amend RSA 207:1 as amended by striking out said section and inserting in place thereof the following:

207:1 Definitions. Words and phrases used in this title shall be construed as follows:

I. Angling: The taking of fish by line in hand, or rod in hand to which is attached a cast of artificial flies, or an artificial bait, or one hook for bait. A person may have in use not more than one such line at one time except while fishing from a boat, canoe or other craft or through the ice, when 2 lines may be used. Nothing in this title shall prohibit the use of a rod-holder in a boat.

II. Bag and Creel Limit: The number or weight of any kind of fish, game, or fur-bearing animals, permitted to be killed in a specified time.

III. Brook Trout: Charr, commonly called brook trout, rainbow trout, brown trout, and Loch Leven trout.

IV. Closed Season: That period of time during which fish, game, wild or fur-bearing animals or marine species may not be taken or killed, and all periods of time not included within the open season.

V. Fin Fish: Includes all species and subspecies of fish listed under the definition of fish.

VI. Fish: A member of any of the following classes: Cyclostomata, including, but not limited to, hagfishes and lampreys; elasmobranchii, including, but not limited to, sharks, skates, and rays; and pisces, including but not limited to, trout, perch, bass, minnows, and catfish; including any part, product, egg or offspring thereof, or the dead body or parts thereof, excluding fossils.

VII. Fly: A hook dressed with feathers, hair, thread, tinsel or any similar material to which no spinner, spoon or similar device is added.

VIII. Fur-Bearing Animals: Beaver, otter, marten, sable, mink, fisher or fisher cat, raccoon, skunk and muskrat.

IX. Game: Game birds and game animals.

X. Game Animals: Moose, caribou, elk, deer, wild rabbit and hare, and gray squirrel.

XI. Game Birds: Ruffed grouse or partridge, spruce grouse, commonly called spruce partridge, pheasant, quail, European partridge, chukar partridge and turkeys.

XII. Guide: Any person who engages for hire, either directly or indirectly, in the business of guiding in this state.

XIII. Guiding: Includes every act whereby a person directs, aids, assists or instructs another person in taking fish, game or fur-bearing animals within this state, or in traversing the forests and streams therein, for hire.

XIV. Inclusion of Dates: Whenever a period is named during which an act is permitted or prohibited, both the first and second dates named shall be included within such period.

XV. Marine Species: Includes all fish which usually inhabit salt water, and all shell fish, lobsters, crabs, shrimps, clams, marine worms and economic marine vegetables found in the coastal waters and estuarine waters under the jurisdiction of this state as defined in RSA 1:14 and 15.

XVI. Migratory Birds: See federal regulations.

XVII. Nonresident: All persons not coming within the definition of resident.

XVIII. Number; Gender: The singular shall include the plural; and the masculine shall include the feminine and neuter.

XIX. Open Season: That period of time during which fish, game, wild or fur-bearing animals or marine species may be legally taken or killed.

XX. Person: Includes co-partnership, association and corporation, and also principal, agent, or employee.

XXI. Possession: Actual or constructive possession, and any control of things referred to.

XXII. Protected Birds: All wild birds not included within the terms Game Birds and Unprotected Birds.

XXIII. Resident: A citizen of the United States who has lived and made his home within the state not less than 6 months next prior to his application for a license and who has not during that period claimed a residence in any other state for any purpose. The word residence as used in this definition shall mean domicile.

XXIV. Sell and Sale: Includes barter, exchange, and offering or exposing for sale.

XXV. Set Line: A set line in an unattended line.

XXVI. Small Game: Ruffed grouse or partridge, spruce grouse, commonly called spruce partridge, pheasant, quail, European partridge, chukar partridge, wild rabbit and hare, gray squirrel and migratory birds (subject to federal regulations).

XXVII. Take or Taking: Includes pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting,

fish, game, protected birds and fur-bearing animals, and all lesser acts, such as disturbing, harrying, worrying, wounding, or placing, setting, drawing, or using any net or other device commonly used to take fish, birds, or animals, whether they result in taking or not, and includes every attempt to take and every act of assistance to every other person in taking or attempting to take fish, game, or fur-bearing animals, provided that whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

XXVIII. Transport and Transportation: All carrying or moving, or causing to be carried or moved.

XXIX. Unprotected Birds: English sparrows, European starlings, crows, except such birds as are protected by the laws of the federal government.

XXX. When Accompanied: Within sight and hearing, excluding electronic devices, when actual physical direction and control can be effected.

XXXI. White Deer: All deer which are primarily and predominantly white in color.

XXXII. Whole to Include Part: Every provision relating to a fish, game bird, protected bird, game animal, or fur-bearing animal, shall apply to a part of such fish, bird, or animal.

XXXIII. Wild Animals: All animals other than domestic animals.

XXXIV. Wild Birds: All birds other than domestic birds.

XXXV. Wildlife: Refers to all species of mammals, birds, fish, mollusks, crustaceans, amphibians, reptiles or their progeny or eggs which, whether raised in captivity or not, are normally found in a wild state.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 195, increasing the number of justices on the superior court and making an appropriation therefor. Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary.

The purpose of the bill is to alleviate the backlog of cases pending and to expedite the judicial process for the citizenry. The bill would increase the number of superior court judges by reducing the divisor from 60,000 to 50,000, the result of which would add three additional superior court judges to our present system and require an appropriation of \$135,000.

Rep. LaMott moved that the words, inexpedient to legislate, be substituted for the committee report ought to pass with amendment, and spoke to his motion.

Rep. Arthur Perkins spoke against the motion.

Motion lost.

#### Amendment

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Reducing the Divisor. Amend RSA 491:1 as amended by striking out said section and inserting in place thereof the following:

491:1 Justices. The superior court shall consist of a chief justice and a sufficient number of associate justices so that the total number of justices, including the chief justice, shall equal the sum attained by dividing the current population of New Hampshire, as determined by the most recently certified Statistical Abstract of the United States, by the number 50,000; provided that no justice once appointed shall be removed from office due to a decrease in population. Said justices shall be appointed and commissioned as prescribed by the constitution and shall exercise the powers of the court unless otherwise provided. The court shall, in addition, include any justices who have been retired from active service due to permanent disability.

2 Appropriation. The sum of \$135,000 is hereby appropriated to the superior court for the purposes of section 1 for the fiscal year ending June 30, 1978, and a like sum is appropriated for said purposes for the fiscal year ending June 30, 1979. Said sum shall be in addition to all other appropriations to the superior court. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 231, relative to blood alcohol tests. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

The proposed bill would eliminate the attendance at trial of the chemist who performed the blood alcohol test unless he was subpoenaed by the defendant or defendant's counsel. The Committee's position was the burden of proof is upon the state and that the defendant is entitled to be confronted by witnesses against him. The vote of the Committee was 16 to 1 to recommend inexpedient to legislate.

Resolution adopted.

HB 235, to permit stolen and other property to be restored to rightful owners in advance of trial. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

The purpose of the bill is to permit the return of personal property to the rightful owner prior to final adjudication in the courts. The Committee unanimously felt that the individual rights of the accused are superior to property rights.

Rep. Dickinson moved that HB 235 be committed to the Committee on Judiciary, and yielded to Rep. Arthur Perkins, who spoke in favor of the motion.

Adopted.

HB 283, prohibiting felons from holding public office. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

This bill would prohibit felons from holding public office. There is existing statutory law addressing itself to this proposed bill, thus the Committee unanimously voted inexpedient to legislate. Resolution adopted.

SB 23, increasing the penalty for reckless operation of a motor vehicle. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

The purpose of SB 23 is to raise the penalties of reckless operation to make it a misdemeanor, carrying with it the possibility of up to one year imprisonment. The Committee position was that there were adequate laws under the Motor Vehicle Statutes and Criminal Code and there was no necessity for this piece of legislation. Unanimous vote of the Committee was inexpedient to legislate.

Rep. Daniell Eaton moved that SB 23 be recommitted to the Committee on Judiciary, and spoke to his motion. Adopted.

HB 212, permitting towns to appropriate funds for snow removal from private driveways. Inexpedient to Legislate. Rep. Faucher for Municipal and County Government.

The Committee feels that snow removal in private driveways is a private purpose, rather than a public purpose and, therefore, to permit towns to appropriate monies for this purpose, without reimbursement as provided by the statutes is unconstitutional. The town presently, however, may provide such a service if they desire by requiring reimbursement. Additionally, the town is not covered by liability insurance for private services. Resolution adopted.

SB 35, relative to the incompatibility of certain town offices. Ought to Pass. Rep. Arnold Perkins for Municipal and County Government.

This bill was prompted by two recent instances of embezzlement in which one individual held the dual offices of town clerk and town treasurer. Conflicting responsibilities of the two offices in collecting and reporting of town funds require that checks and balances be provided for, which is the intent of the bill. Ordered to third reading.

HB 369, extending certain capital appropriations. Ought to Pass. Rep. Ruel for Public Works.

This bill extends to a later date the point at which appropriations made in 1974 for construction and reconstruction projects will lapse. The agencies to which the appropriations were originally made are the Department of Health and Welfare, the Department of Safety and the Veterans Home. Referred to Appropriations.

HB 191, to establish a state liquor store at the Belknap mall in Belmont and making an appropriation therefor. Majority: Ought to Pass with Amendment. Rep. Cunningham for Regulated Revenues; Minority: (Reps. Sanborn, Rounds and Anne B. Gordon): Inexpedient to Legislate.

Majority: It is estimated by the Liquor Commission that the Belmont location would be profitable, in addition to being a convenience store. In view of the fact that the state needs additional revenue, the majority felt this bill deserves consideration by the House. Minority: This proposed expenditure of \$75,000 from the operating budget for a new liquor store less than two miles from the present Laconia store is unnecessary. It was not one of the five new stores originally proposed by the Liquor Commission for this biennium.

Rep. Sanborn moved that the Minority report, inexpedient to legislate, be substituted for the Majority report, ought to pass with amendment, and spoke to his motion.

Reps. Cunningham and Lawton spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 134 NAYS 186

YEAS 134

BELKNAP: Ambrose, Beard, Gary Dionne, Michael Hanson, Hildreth and Sabbow.

CARROLL: Towle.

CHESHIRE: Fillback, Anne Gordon, Irvin Gordon, Elmer Johnson, Krause, Ladd, Matson, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Terry Wiggin.

COOS: Fortier, Huggins, Oleson, Poulin and Neila Woodward.

CRAFTON: Copenhaver, Crory, Gemmill, Hough, LaMott, McAvoy, Neil McIver, Rounds, Taffe, Madeline Townsend and Ward.

HILLSBOROUGH: Wilfrid Boisvert, Bosse, Roland Boucher, Carswell, Coburn, Mark Connolly, Corser, Margaret Cote, Carrier, Catherine-Ann Day, Arline Dion, Nancy Gagnon, Cort Hansen, Heald, Knight, Levesque, Madigan, Martin, Martineau, McGlynn, Normand, Kerry O'Connor, Orcutt, Peters, Podles, Record, Henry Richardson,



Edward Smith, Soucy, St. George, Stahl, Kevin Sullivan, Harold Thomson, Van Loan, Wallace and M. Arnold Wight.

MERRIMACK: Bibbo, Blakeney, Carroll, Eugene Daniell, Foley, Hess, Polly Johnson, Kidder, Donna MacIvor, McLane, Mullin, Pelton, Rich, Stefanides and Ernest Valliere.

ROCKINGHAM: Aeschliman, Bisbee, Blake, Campbell, Erler, Flanagan, Beverly Gage, Carl Gage, Gaskill, Goff, Gould, Greene, Griffin, Hoar, Kane, Krasker, Donna McEachern, Nelson, Niebling, Norton, Parolise, Pucci, Richards, Rogers, Sanborn, Skinner, Vlack, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Grassie, Joos, Lessard, Nadeau, Preston, Sackett, Schreiber, Donald Smith, Tripp, Valley, Voll and Allen Wilson.

SULLIVAN: Barrus, Gray and Sara Townsend.

#### NAYS 186

BELKNAP: Bowler, Marshall French, Lawton, Mansfield, Marsh, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claflin, Raymond Conley, Found, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Hogan, Marshala, Slack, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Bradley Haynes, Horton, Hunt, George Lemire, Patenaude, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Cornelius, Dearborn, Duhaime, Myrl Eaton, Logan, Mann, Pepitone, Snell, Stomberg, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter, Arnold, Aubut, Baker, Barrett, Belanger, Albert Bellemore, Brack, Bridges, Brody, Burke, Joseph Cote, Coughlin, Coutermarsh, Crotty, Cullity, William Desmarais, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Head, Daniel Healy, Howard Humphrey, Kaklamanos, Lachance, LaPlante, Lyons, Fred Murray, Timothy O'Connor, O'Neil, Pappas, Paradis, Pelletier, Plomaritis, Polak, Quigley, Paul Riley, Seamans, Sing, Spirou, Stylianos, Francis Sullivan, Wallin, Welch, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bodi, Laurent Boucher, John Cate, Chandler, Gamache, LaBonte, McNichol, Arthur Perkins, Ralph, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Waters and Wiviott.

ROCKINGHAM: Akerman, Aller, Barka, Blanchette, Carpenito, Connors, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, DeCesare, Felch, Hartford, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Parr, Quimby, Schwane, Alfreda Smith, Stimmell, Tavitian, Webster and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Hebert, Dianne Herchek, Juncas, Kelly, Kincaid, Lefavour, Maloomian, Meader, Morrisette, Rod O'Connor, Osgood, Dennis Ramsey, Torrey and Shirley White.

SULLIVAN: Burrows, D'Amante, Desnoyer, Ingram, LeBrun, Lewko, Palmer, Scott and George Wiggins, and the motion lost.

Rep. Richard Hanson wished to be recorded against the motion, inexpedient to legislate.

#### Amendment

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Appropriation. The sum of \$75,000 is appropriated to the liquor commission for the purposes of this act; provided however, said appropriation shall not be expended until fiscal year 1979. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

#### Amendment adopted.

Referred to Appropriations.

The Speaker requested a quorum count.

318 members answering the count, the Speaker declared a quorum present.

CACR 7, relating to restrictions on highway fund expenditures. Providing that highway revenues may be used for all transportation systems. Majority: Inexpedient to Legislate. Rep. Stefanides for Constitutional Revision; Minority: (Reps. Foley, Hess, Bernier, Slack O'Keefe): Ought to Pass.

Majority: Although the intent of this bill to address the problem of mass transportation, is commendable to this point, the Committee feels it is inappropriate to make use of the highway trust fund for this purpose. Minority: Proponents of CACR 7 feel that this legislation would allow for improvement of other modes of transportation which are now not currently being utilized to the fullest. However, CACR 7 is actually legislation aimed at the future. The sponsor realizes that the real need for this bill may not be felt until a few years from now, and that the legislature may not utilize the power that this bill would give it until the future. The bill would not fully be implemented until the present attitude about transportation and the use of the automobile has changed.

This bill would allow the legislature, rather than the Highway Department, to determine how the Highway Trust Fund would be allocated. Also, it would allow the fund to be used for modes of transportation other than the highway system alone. It would not force the legislature to spend money on alternate forms of transportation; however, it would allow funding of such modes if the legislature deemed it feasible and proper.

Rep. Foley moved that the report of the Minority, ought to pass, be substituted for the report of the Majority, inexpedient to legislate, and spoke to his motion.

Reps. George Wiggins, Leonard Smith, Stefanides and Bridges spoke against the motion.

Reps. Carpenito, Slack and Eugene Daniell spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 122 NAYS 231

YEAS 122

BELKNAP: Bowler, Gary Dionne, Hildreth, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen and Claflin.

CHESHIRE: Chase, Close, Krause, Ladd, Parker, Proctor, Margaret Ramsay, Russell, Slack, Terry and Terry Wiggins.

COOS: Hunt, Patenaude, Poulin, Willey, Wiswell and Neila Woodard.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Neil McIver, Stomberg, Taffe and Taylor.

HILLSBOROUGH: Ahern, Bernier, Bosse, Brody, Mark Connolly, Margaret Cote, Coutermarsh, Currier, Catherine-Ann Day, Arline Dion, Joseph Eaton, Cort Hansen, Head, Kaklamanos, LaPlante, Martin, McGlynn, Nemzoff-Berman, Normand, Kerry O'Connor, Orcutt, Pappas, Sing, Edward Smith, Spirou, St. George, Wallin and M. Arnold Wight.

MERRIMACK: Blakeney, Bodi, Carroll, Eugene Daniell, Foley, Gamache, Hess, LaBonte, McLane, McNichol, Pelton, Arthur Perkins, Ralph, Rice and Trachy.

ROCKINGHAM: Aeschliman, Aller, Blanchette, Carpenito, Collins, Cutliffe, DeCesare, Dunfey, Carl Gage, Gould, Grieco, Hoar, Kashulines, Krasker, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Pucci, Quimby, Rogers, Rossley, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Bruce French, Charles Grassie, Dianne Herchek, Joos, Kelly, Lessard, Morrisette, Rod O'Connor, Sackett, Schreiber, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Ingram and Sara Townsend.

NAYS 231

BELKNAP: Ambrose, Beard, Marshall French, Michael Hanson, Lawton, Mansfield, Marsh, Morin, James Murray and Sabbow.

CARROLL: Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Faucher, Fillback, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Marshala, Matson, Moore, Scranton, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Oleson, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ainley, Alter, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Albert Bellemore, Wilfrid Boisvert, Roland Boucher, Brack, Bridges, Burke, Carswell, Coburn, Corser, Joseph Cote, Coughlin, Crotty, Cullity, William Desmarais, Drewniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Knight, Lachance, Lamy, Levesque, Lyons, Madigan, Marcoux, Martineau, McDonough, McLaughlin, Morgan, Fred Murray, Nardi, Timothy O'Connor, O'Neil, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Paul Riley, Seamans, Leonard Smith, Soucy, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Welch, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Richard Hanson, Polly Johnson, Kidder, Donna MacIvor, Mullin, Packard, Rich, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Doris Thompson, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, Campbell, Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Goff, Greene, Griffin, Hartford, Kane, King, Laycock, Lovejoy, Joseph McEachern, Norton, Parolise, Parr, Richards, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson and Wolfson.

limitations imposed upon the use of such revenues by Part 2, Article 6-a of the New Hampshire Constitution?

2. If the answer to the previous question is "No" to what extent, if any, may the operation of the detective bureau of the division of state police be funded from revenues drawn from the Highway Trust Fund?

Be It Further Resolved that the clerk of the house transmit ten (10) copies of this resolution to the clerk of the Supreme Court for consideration by said court.

The Assistant Clerk read the resolution in full.

Rep. Tucker explained the resolution and yielded to Rep. Marshall French who spoke in favor of HR 17.

Rep. Spiro spoke in favor of the resolution.

Unanimously adopted.

After consultation with the Chairman of Appropriations, the Speaker rescinded the reference to Appropriations of HB 319, providing for payment of a claim to David F. Carter and making an appropriation therefor.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 15 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 319, providing for payment of a claim to David F. Carter and making an appropriation therefor.

HB 184, relative to minimum insurance coverage required for aircraft operated for hire and relative to requirements for security deposits and self-insurer certificates.

HB 166, relative to limited openings of smelt brooks to the handicapped.

HB 264, permitting towns to adopt a code of ethics for town officers.

HB 71, to reclassify a certain highway in the city of Dover.

HB 141, clarifying the authority to maintain traffic control upon entering the state highway system.

HB 220, relative to state bridge and town bridge aid.

HB 296, providing for the amendment of articles of agreement or legislative charter by a mutual savings bank or guaranty savings bank.

HB 329, relative to the tenure of the poet laureate of New Hampshire.

HB 137, requiring permission from the trap owner before a duly licensed trapper may tend another trapper's traps.

HB 186, providing for seasons and bag limits on snowshoe hares and cottontail rabbits and defining small game.

SB 35, relative to the incompatibility of certain town offices.

#### RECONSIDERATION

Rep. Coutermarsh moved that the House reconsider its action in passing CACR 6.  
Reconsideration lost.

360 members were recorded as present.

Reps. Marshall French and Spiro moved that the House adjourn until Tuesday, March 15 at 1:00 p.m.

Adopted.

The House adjourned at 3:50 p.m.

Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Ingram, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

NAYS 69

BELKNAP: Lawton and Marsh.

CARROLL: Kenneth Smith and Towle.

CHESHIRE: Faucher and Matson.

COOS: Fortier and York.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Duhaime, Myrl Eaton, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Barrett, Bednar, Emile Boisvert, Bridges, Burke, Coburn, Joseph Cote, William Desmarais, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Heald, Daniel Healy, Lachance, Lamy, Martineau, McDonough, Timothy O'Connor, Paradis, Pelletier, Seamans, Stylianos, Francis Sullivan, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Chandler, Polly Johnson, Mullin, Packard, Shepard, Stefanides and Doris Thompson.

ROCKINGHAM: Davis, King, Norton, Scamman and Schwaner.

STRAFFORD: Canney, Horrigan, Joncas, Maloomian and Tripp.

SULLIVAN: Barrus, Burrows, D'Amante, Desnoyer, Gray, LeBrun and George Wiggins and CACR 6 was moved to third reading by the necessary three-fifths vote.

Rep. Chapman wished to be recorded in favor of CACR 6.

Rep. McDonough wished to be recorded against CACR 6.

#### SUSPENSION OF RULES

Rep. Coutermarsh moved that the rules be so far suspended as to place CACR 6 on third reading at the present time.

Adopted by the necessary two-thirds.

Question being shall CACR 6 be read a third time and passed.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 311 NAYS 51

YEAS 311

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Chambers, Copenhagen, Cornelius, Crory, Dearborn, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter, Arnold, Aubut, Baker, Belanger, Albert Bellemore, Bernier, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Brody, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, Arline Dion, Dupont, Nancy Gagnon, Gelinas, Girolimon, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Knight, Lamy, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martin, McGlynn, McLaughlin, Morgan, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Paul Riley, Sing, Edward Smith, Leonard Smith, Soucy, Spirow, St. George, Stahl, Kevin Sullivan, Sweeney, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Robert Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Eugene Danniell, Foley, Gamache, Richard Hanson, Hess, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Stockman, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, DeCesare, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Gaskill, Goff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski, Wolfesen and Zabarsky.



STRAFFORD: Appleby, Belhumeur, Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, Horrigan, Joos, Kelly, Kincaid, Lefavour, Lessard, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: D'Amante, Ingram, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

NAYS 51

BELKNAP: Lawton and Marsh.

CARROLL: Towle.

CHESHIRE: Faucher and Matson.

COOS: None.

GRAFTON: Ira Allen, Buckman, George Gate, Clark, Myrl Eaton, Pepitone and Glyneta Thomson.

HILLSBOROUGH: Barrett, Bednar, Emile Boisvert, Bridges, Burke, Coburn, Joseph Cote, William Desmarais, Drenniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Daniel Healy, Lachance, Martineau, Timothy O'Connor, Paradis, Seamans, Stylianos, Francis Sullivan, Cecelia Winn and John Winn.

MERRIMACK: Chandler, Shepard, Stefanides and Doris Thompson.

ROCKINGHAM: Scamman and Schwaner.

STRAFFORD: Canney, Joncas, Maloomian and Tripp.

SULLIVAN: Barrus, Burrows, Desnoyer, Gray, LeBrun and George Wiggins, and CACR 6 was read a third time and passed, by the necessary three-fifths vote.

Third reading and final passage

CACR 6, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 90 legislative days during the biennium.

VACATE

Rep. Richard Hanson moved that the House vacate the reference of HB 476, providing for payment of a claim to John F. Zvacs of Gilmanton and making an appropriation therefor, to the committee on Municipal and County Government and re-refer said bill to the committee on Claims, Military and Veterans Affairs.

Reps. Richard Hanson and Benton spoke in favor of the motion.

Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance Rep. Tucker offered the following:

HOUSE RESOLUTION 17  
requesting an opinion of the Supreme Court regarding the constitutionality of certain portions of the Governor's proposed budget

WHEREAS, the Governor is required by RSA 9:2 to transmit to the Legislature no later than February 15th a budget setting forth his financial program for each of the fiscal years of the ensuing biennium; and

WHEREAS, said budget must also set forth the Governor's recommendations to the legislature with respect to the manner in which the appropriations recommended in said budget may be funded; and

WHEREAS, there is pending before the Appropriations Committee of the House of Representatives the Governor's proposed budget for fiscal years 1978 and 1979; and

WHEREAS, the Governor's recommendations regarding the manner in which proposed appropriations may be funded have, in the past, carried great weight in the deliberations on the budget bill; and

WHEREAS, the serious fiscal problems facing this state make it likely that any proposal for drawing upon revenues other than general fund revenues will be given serious consideration in the course of enacting the pending budget bill; and

WHEREAS, PAU 02-20-05-02 on page 180 of the Governor's proposed budget proposes to draw upon certain revenues accruing to the state from registration fees, operators' licenses, gasoline road tolls and other special charges and taxes with respect to the operation of motor vehicles and the sale and consumption of motor vehicle fuels (commonly known as the "Highway Trust Fund") in order to provide 95% of the revenue necessary to fund the detective bureau of the division of state police within the department of safety; and

WHEREAS, Part 2, Article 6-a of the New Hampshire Constitution restricts the appropriation of all revenue from the Highway Trust Fund to purposes pertaining exclusively to "the construction, reconstruction and maintenance of public highways within this state, including the supervision of traffic thereon and payment of the interest and principle of obligations incurred for said purposes"; and

WHEREAS, doubt has been expressed as to the constitutionality of applying revenues from the Highway Trust Fund for the purposes set out in PAU 02-20-05-02 of the Governor's proposed budget.

Now, Therefore Be It Resolved:

That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following important question of law:

1. Is the appropriation and use of revenues from the Highway Trust Fund for the purpose of funding the operation of the detective bureau of the division of state police in the manner recommended by the Governor, consonant with the

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Hebert, Joncas, Kincaid, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Donald Smith and Allen Wilson.

SULLIVAN: Barrus, Burrows, D'Amante, Desnoyer, Gray, LeBrun, Lewko, Palmer, Scott, Spaulding, Tucker and George Wiggins, and the motion lost.

Rep. Lawton moved that CACR 7 be indefinitely postponed.

Adopted.

CACR 6, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 90 legislative days during the biennium. Ought to Pass. Rep. Hess for Constitutional Revision.

This resolution, in effect, eliminates the July 1st cut-off date for reimbursement of legislative mileage by allowing the current 90 legislative days to be spread out over a 2-year period. It will also eliminate the biennial necessity for a costly special session and allow for a more orderly and efficient budgetary and governmental process.

Rep. Marshall French moved that debate on CACR 6 be limited to forty-five minutes equally divided.

Rep. Coutermarsh spoke in favor of the motion.

Adopted.

Reps. Joseph Eaton and George Wiggins spoke against the committee report.

Reps. Morrisette, Wallin, Tucker, Ingram, Slack, Marshall French, Spirou and Coutermarsh spoke in favor of the committee report.

(Rep. Marshall French in the Chair)

Rep. Marsh spoke against the committee report.

Rep. Roberts spoke in favor of the committee report.

(Speaker in the chair)

A roll call was requested.  
Sufficiently seconded.

(Speaker Presiding)

YEAS 294 NAYS 69  
YEAS 294

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller and Kenneth MacDonald.

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon,

Hogan, Elmer Johnson, Krause, Ladd, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Cooney, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Rounds, Stomberg, Taffe, Taylor, Madeline Townsend, Ward, Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter, Arnold, Aubut, Baker, Belanger, Albert Bellemore, Bernier, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Brody, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Carrier, Catherine-Ann Day, Arline Dion, Dupont, Nancy Gagnon, Gelinas, Girolimon, Sal Grasso, Cort Hansen, Head, Howard Humphrey, Kalamanos, Knight, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martin, McGlynn, McLaughlin, Morgan, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Paul Riley, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Kevin Sullivan, Sweeney, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Stockman, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Cutliffe, Danforth, Robert Day, DeCesare, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Gaskill, Goff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, Joos, Kelly, Kincaid, Lefavour, Lessard, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel,

# HOUSE JOURNAL 17

*Tuesday, 15 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

"We are not permitted to choose the frame of our destiny, but what we put into it is ours."

He or she who wills good government will experience it - according to the measure of his or her courage.

Dear God, give us courage to use, not to abuse the gift of this day. May we receive every gift of privilege and responsibility and give them back to You at the closing of the day having handled them with care - wisely and well. O Lord, guide us that every effort we make in thought word and deed may be pleasing in Your sight. Amen!

Today is the birthday of President and General Andrew Jackson, who commanded the victorious American troops at the Battle of New Orleans in January 1815. Among the troops commanded by Gen. Jackson was the 7th Regiment of Infantry, to be known thereafter as the "Cotton-Balers," because they fired upon the advancing British from behind the safety of up-ended cotton bales. Rep. Richardson D. Benton served with the 7th Infantry Regiment in Korea in 1951. Appropriately Rep. Benton led the pledge to the flag in honor of the birthday of President Jackson.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Parr and the Salem Delegation offered the following:

## HOUSE RESOLUTION NO. 18

commending Frederick Cross, III

WHEREAS, Frederick Cross, III is a member of Boy Scout troop #409 in Salem, New Hampshire; and

WHEREAS, he has exhibited the twelve points of the Boy Scout Law of being trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

WHEREAS, Frederick Cross, through his participation in the Boy Scout program has learned some of the important techniques of lifesaving and swimming; and

WHEREAS, at the age of thirteen he did risk his life to save the life of Miss Susan Kelly, age nine, from drowning in a boating accident on Northwood Lake on August 2, 1976; now, therefore, be it

RESOLVED by the House of

Representatives, that we hereby commend Frederick Cross, III for his outstanding bravery and sacrifice above and beyond the call of duty.

FURTHER BE IT RESOLVED, that a copy of this Resolution be presented to Master Frederick Cross, III.

Unanimously adopted.

The Chair introduced Frederick Cross, III and recognized his mother and Mrs. Kelley in the balcony.

Reps. Marshall French and Spirou offered the following:

RESOLVED: that the Honorable Senate be notified that the House of Representatives will be ready to meet with the Senate in Joint Convention at 1:10 o'clock for the purpose of receiving His Excellency the Governor and to hear any communication he may be pleased to make, and for the transaction of such other business as may properly come before such Convention.

Adopted.

## JOINT CONVENTION (Speaker Presiding)

The Speaker introduced His Excellency the Governor.

Mr. Speaker, Mr. President, Honorable Members of the General Court:

Once again it is my pleasure to respond to the legislative directive of RSA 9:3a by submitting for your consideration the Governor's capital budget recommendations.

This proposed capital budget would authorize deficit general fund spending of only \$18.7 million. It is substantially lower than the \$25 million capital budget I recommended in 1975 and the \$27.9 million budget I suggested in 1973.

In 1975 we began a trend, slight though it was, toward the reduction of our public debt. It is important to the future solvency of the state that we cut down and eventually eliminate deficit spending.

Our proclivity for frugality compared to our sister states is one important reason why New Hampshire enjoys a triple A bond rating today.

The capital budget authorizations for the past four bienniums have averaged \$21.4 million. In addition, special legislative capital authorizations have brought the average biennium authorization in the past eight years to \$32.3 million. Nor does this include highway and turnpike borrowing.

Thus, New Hampshire with each passing legislative session has gone deeper into debt.

Borrowing against the future has become a way of life for most governments, and we are no exception.

Cumulative long term public borrowing is a sure way to blight the economic future of our children.

Consider what we have done in recent years.

In 1970 the total of all forms of public debt amounted to \$124.2 million. By 1976 this had increased to \$253.7 million.

Even if we do not appropriate one cent for capital improvements, our state public debt will rise to \$397.8 million in 1982 from authorized but yet unissued expenditures.



Thus, whatever deficit spending you authorize in this session must be added to almost \$400 million of debt that our taxpayers will face in 1982.

When contemplating an increase in the public debt it is important to consider the effect that escalating interest rates will have on the total payoff.

In 1967 we were paying a 3.4 per cent interest rate on the public debt. In 1976 this rate rose to 5.6 per cent.

#### Cherish Public Credit

I think the advice of George Washington to his fellow citizens in his Farewell Address was so wise, yet so little heeded today, that it might bear consideration as we begin the making of a new capital budget.

Washington urged his countrymen to "cherish public credit."

"One method of preserving it," he said, "is to use it sparingly."

He pleaded against ungenerously throwing upon posterity the burden which we ourselves ought to bear.

Washington said that "the execution of these maxims belongs to your representatives, but it is necessary that the public shall cooperate."

With the authorized public debt of New Hampshire scheduled to reach almost \$500 per capita by 1982, have we not already thrown upon our children a burden which we ourselves should have borne, or never contracted?

The repayment on our outstanding general fund obligations will be at an annual rate of almost \$9 million in the 1978-79 operating budget. This we must provide for out of current revenues.

Our total annual debt service for all obligations now amounts to \$21.2 million. By 1982 this will reach \$27 million.

If we really mean to preserve our public credit we must use it more sparingly than we have of late years.

As is always the case we have been under heavy pressure to support many worthy capital projects. However, I am convinced that we must disembark from the escalator of deficit spending on which we have tarried too long.

In 1973-74 the total of our capital budget and capital legislative specials amounted to \$49.5 million. For 1975-76 these two capital items totaled \$45.3 million.

For the biennium 1977-78 I propose, and strongly urge, that we spend no more than \$30 million for both capital budget and for capital legislative specials.

#### Requests For Spending

Requests for deficit spending in the capital budget far exceeded our reasonable ability to pay back.

The total for all requests for capital authorization to date amount to \$110.6 million.

Requests from the departments and agencies amounted to \$54.7 million. University System budget requests accounted for \$13.2 million. In addition, various legislative bills contain capital requests amounting to \$42,579,424.

These requests amount to almost four times the total deficit spending that I commend to your careful scrutiny.

#### Our Recommendations

In this proposed capital budget, I respectfully invite your consideration of the following important items.

1. One-sixth of the budget or \$3.2 million is earmarked for energy conservation.

We ask for window replacements for the State House Annex, Supreme Court and State Library, together with certain roof insulation and replacement.

Also, we ask that \$1.5 million be spent on the University System to implement Phase I of our past Energy Study, as well as the Life Safety Code and Handicapped Study.

2. Once again I call for a strong effort to help our system of airports. By spending \$229,400 of state funds we can obtain a half million in matching federal monies for Manchester, Keene, Lebanon and Rochester airport improvements.

As New Hampshire grows, our airports will become the widening doors of our future.

3. For vocational technical colleges in Manchester, Laconia, Nashua, Portsmouth and Berlin, as well as for the New Hampshire Institute, we have allocated \$745 thousand for various equipment.

We had several requests for extension of some of the vocational facilities but felt we could not respond to them in this budget.

4. To the New Hampshire Home for the Elderly we have allocated \$85,000 for a turbine replacement and an elevator.

5. For the New Hampshire Hospital we have provided \$400 thousand for boiler replacement and \$15 thousand for food storage repairs.

We have also earmarked \$1,520,000 for the possible purchase and equipping of Sacred Heart Hospital in Manchester to be used for Manchester patients.

6. For various repairs at Laconia State School we have allocated \$129,600. This is in addition to substantial other funds for the School which we shall note in a moment.

7. To the Youth Development Center we have provided \$256,000 for various necessary repairs.

8. For the New Hampshire State Prison we propose an expenditure of \$1,519,000. About \$300,000 of this is for necessary repairs and essential equipment.

With the expenditure of \$1,200,000 for design, development of plans and specifications, we will take the first strong step toward the construction of a new maximum security prison. Such a facility is urgently needed and long



overdue. When completed it will provide far more humane treatment and scientific rehabilitation for inmates while insuring that maximum security against escapes which the public has a right to expect.

9. To continue the work on regional waste treatment facilities we provide for the Water Supply and Pollution Control Commission \$1,070,000.

10. To the Liquor Commission for new electronic point of sales registers and terminal systems we allocated \$6 million.

11. When the Centralized Data Processing Commission moves into the new Health and Welfare Building now under construction it will need a new computer. Since this move will be made during the coming biennium, we have provided \$3,250,000 for a new computer.

12. For the Department of Safety we have allocated \$225,000 for a 30-car garage facility.

13. For the Port Authority we have provided \$622,000 for site improvement and land development and engineering preparations for the next phase in the planned expansion of this important state facility.

#### Support For Special Legislation

In addition to our proposed Capital Budget we will support the following special legislation carrying capital authorizations.

1. For Laconia State School we will support a bill that will carry \$280 thousand in capital improvements for Dube and Dwinell buildings. Also, this bill will contain for the general fund budget \$1.5 million, providing for 108 new positions. This appropriation will be a wash item as these funds will be ultimately available from the Federal Government.

2. For the Police and Fire Academy we shall support a bill that will provide for one of two alternatives.

A. With the completion of the renovation of the Brown Building at the State Hospital and the purchase of the Sacred Heart Hospital in Manchester, we will no longer need the Christian Science Building as a hospital facility, according to advice received from Commissioner Robert Whalen and Dr. Gary Miller.

This, we are told, would make an ideal Police and Fire Academy. It has an auditorium, suitable rooms for classes and ample dormitory space. Also, there is adequate land around it for the outdoor training sessions required by both police and fire students. An appropriation of \$500,000 would provide for necessary renovations and equipment to put the facility into top shape.

B. If, however, the Legislature would not authorize the use of the Christian Science Building for a Police and Fire Academy, then we propose an appropriation of \$4.1 million for the construction of such a facility.

We are convinced that the time has arrived for the State to furnish expert and professional training for its police and firemen. To do this properly requires a modern facility with auditorium, classrooms, food service and dormitories.

We have had a committee visit and study a total of four academy facilities from Indiana to Maryland. Based on their studies and work with our Public Works Division they have submitted an estimate of \$4.1 million as the cost for an Academy that would serve our police and fire training requirements.

3. We had hoped we could support a further expansion of our regional vocational secondary schools in the amount of \$15 million. However, because of the real need to reduce our deficit spending, we suggest an expenditure of only \$8 million at this time.

You will recall that we have thus far spent \$9 million on this excellent project. The new appropriation of \$8 million would provide for one large vocational school, hopefully in Manchester and a medium school which we would hope might go to Exeter.

4. We shall also support a bill to create a Convention Center Authority to finance and operate a multi-purpose New Hampshire Convention Center. The bill would authorize an expenditure of \$8 million in state monies if matched by an additional \$2 million from a municipal source in the Center would be located.

Tourism is the second largest business activity in the state. A convention center that could attract and accommodate in one large auditorium business and professional companies and at the same time provide several smaller facilities for smaller groups would greatly enhance the state's ability to respond to the needs of both an expanding tourist trade and to our own growing population.

The authority would be charged with operating the facility without cost to the state or cooperating municipality.

It has been suggested that the State should not consider a convention center as long as there are unattended needs at Laconia School.

This argument overlooks two important facts.

First, most of the help for the Laconia School must be provided in the Operating Budget from current revenues, whereas the conference center would be financed from the Capital Budget by means of long term financing.

Second, the Laconia State School will receive in both operating and capital budgets almost \$2 million if this Legislature responds positively to our recommendations for this session.

#### In Conclusion

In Conclusion, I express my deep appreciation to the members of my staff who helped in the preparation of this budget.

I am especially indebted to the comptroller, Arthur Fowler, and, Ralph Brickett, Deputy Comptroller, for their generous and efficient help.

I do not believe that we in New Hampshire can continue the course of deficit spending we have followed in the past without affecting our good credit and eventually paving the way for some form of broadbase taxes with which to meet the high amortization requirements we will eventually face.

With the admonition of our State Constitution that we practice frugality and thrift as our lodestar in fiscal matters, let us find the courage to perform that most difficult of all tasks in government - live within our income!

Rep. Spirou and Sen. Saggiotes moved that the Joint Convention arise.

Adopted.

#### RECESS

#### LEAVES OF ABSENCE

Reps. Desnoyer, Shea, Forsaith Daniels, Frizzell, Anthony Randall, Dennis Ramsey, Simard, Pelton, Whipple and Catherine-Ann Day, the day, illness.

Reps. Emma Wheeler, Chapman, Close, Found, Michael Woodard, Kenneth Randall, Douglas Aller and Wiviott, the day, important business.

#### INTRODUCTION OF GUESTS

Edward Gage, student at Hartwick College, brother and guest of Rep. Carl Gage; Jane Chambers, daughter and Kim Carpenter, guests of Rep. Chambers; Rep. Waneeta Poulin of Merrimack, Co-alternate Representatives Merlene Tirone of Seabrook and Mary Cutler of Nashua, representing New Hampshire at the International Cake Exploration Society, Dallas, Texas, guests of Rep. Felch; Robert Chaponau and Robert Stevens, guests of Rep. Skinner.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 651 through 683 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF BILLS

First, second reading and referral

HB 651, enabling cities to adopt a provision to permit voters moving their residence intracity to vote without registering again. (LeBrun of Sullivan Dist. 3 - To Statutory Revision)

HB 652, relative to the sealing and certifying of ballots. (Bernier of Hillsborough Dist. 36; Bednar of Hillsborough Dist. 14; Brack of Hillsborough Dist. 26; Vrakatitsis of Cheshire Dist. 12; Boucher of Hillsborough Dist. 36; Splaine of Rockingham Dist. 19; Lamy of Hillsborough Dist. 35; Martin of

Hillsborough Dist. 10; Burke of Hillsborough Dist. 33; Seamans of Hillsborough Dist. 15; Morrisette of Strafford Dist. 7; Collins of Rockingham Dist. 5; Foley of Merrimack Dist. 1; Gelinas of Hillsborough Dist. 31; Morrison of Hillsborough Dist. 14 - To Statutory Revision)

HB 653, imposing a deadline for the adoption of a county budget and requiring the signatures of the chairman and clerk of the county convention for filing the adopted budget. (Bednar of Hillsborough Dist. 14; Burke of Hillsborough Dist. 33; Richardson of Hillsborough Dist. 5; Wiggins of Sullivan Dist. 8; Perkins of Hillsborough Dist. 8, for Department of Revenue Administration - To Municipal and County Government)

HB 654, reducing the age requirement for entertainers working in bars and lounges. (Stomberg of Grafton Dist. 8 - To Regulated Revenues)

HB 655, repealing certain provisions relative to citizenship in the sale and delivery of liquor or beverages. (Head of Hillsborough Dist. 10 - To Regulated Revenues)

HB 656, relative to the number of challenges of jurors in murder trials. (Thomson of Hillsborough Dist. 7; Wiggins of Sullivan Dist. 8 - To Judiciary)

HB 657, permitting a person to recover damages resulting from the intentional torts of an unmarried minor in an action against the minor's parents. (McDonough of Hillsborough Dist. 29; Belhumeur of Strafford Dist. 21 - To Judiciary)

HB 658, providing full pay for persons injured and covered under the purview of workmen's compensation. (McDonough of Hillsborough Dist. 29; Belhumeur of Strafford Dist. 21 - To Labor, Human Resources and Rehabilitation)

HB 659, requiring a minimum of 2 years residency before applying for free hunting or fishing license, or both. (Felch of Rockingham Dist. 11; Hunt of Coos Dist. 2 - To Fish and Game)

HB 660, relative to records of professional standards review organizations. (Spaulding of Sullivan Dist. 4 - To Judiciary)

HB 661, empowering county medical referees to authorize autopsies. (Hanson of Merrimack Dist. 5 - To Judiciary)

HB 662, amending the methods of giving proof of financial responsibility. (Karnis of Hillsborough Dist. 4, for Department of Safety - To Statutory Revision)

HB 663, providing for workmen's compensation dependency payments. (McDonough of Hillsborough Dist. 29; Belhumeur of Strafford Dist. 21 - To Labor, Human Resources and Rehabilitation)

HB 664, providing for unemployment compensation dependency payments. (McDonough of Hillsborough Dist. 29; Belhumeur of Strafford Dist. 21 - To Labor, Human Resources and Rehabilitation)

HB 665, permitting certain school districts to pay teachers' contributions to the New Hampshire retirement system.

(Day of Hillsborough Dist. 26; Normand of Hillsborough Dist. 36; Nardi of Hillsborough Dist. 27; O'Neil of Hillsborough Dist. 32; Ahern of Hillsborough Dist. 26; Brack of Hillsborough Dist. 28 - To Education)

HB 666, relative to driver license fees. (Richardson of Coos Dist. 4; Burns of Coos Dist. 4 - To Transportation)

HB 667, relative to inspection criteria for privately owned campgrounds. (Sing of Hillsborough Dist. 23 - To Resources, Recreation and Development)

HB 668, authorizing the university system of New Hampshire to acquire fire, theft, and casualty insurance. (Sackett of Strafford Dist. 4 - To Appropriations)

HB 669, establishing rules of discipline of attorneys practicing in New Hampshire. (Chandler of Merrimack Dist. 3 - To Judiciary)

HB 670, relative to counting ballots at elections. (Sanders of Belknap Dist. 4; Thomson of Grafton Dist. 7 - To Statutory Revision)

HB 671, relative to contracts between the state and the 4-H Foundation of New Hampshire, Incorporated concerning facilities at Bear Brook state park. (Campbell of Rockingham Dist. 5 - To Resources, Recreation and Development)

HB 672, restricting the publication of information regarding certain neglected and delinquent persons. (Sullivan of Hillsborough Dist. 18, for Department of Health and Welfare - To Health and Welfare)

HB 673, amending the Conservation Commission Enabling Act by increasing the commission's responsibilities. (O'Neil of Hillsborough Dist. 32 - To Resources, Recreation and Development)

HB 674, relative to conferences of probate judges. (Currier of Hillsborough Dist. 15 - To Judiciary)

HB 675, relative to the definition of "minor" in the RSA chapter concerning exposing a minor to harmful materials. (McIver of Grafton Dist. 11 - To Judiciary)

HB 676, relative to the burden of proof in hearings on pre-judgment attachment. (Currier of Hillsborough Dist. 15 - To Judiciary)

HB 677, limiting the toll-free use of New Hampshire highways by members of the general court. (Currier of Hillsborough Dist. 15 - To Legislative Administration)

HB 678, relative to the sale of property in settling estates. (Currier of Hillsborough Dist. 15 - To Judiciary)

HB 679, relative to the fees for licensing dogs and dog keepers or breeders and requiring a health certificate on dogs sold by breeders and providing a late fee for failure to procure a license prior to June 1. (Hanson of Merrimack Dist. 5 - To Municipal and County Government)

HB 680, relating to the replacement and road repair of a certain bridge between Walpole, New Hampshire and Bellows Falls, Vermont. (Galloway of Cheshire Dist. 1; Sen. Blaisdell of Dist. 10; Sen. Saggiotes of Dist. 8; Hogan of Cheshire Dist. 1; Ingram of Sullivan Dist. 4; Moore of Cheshire Dist. 1 - To Public Works)

HB 681, relative to the disposition of municipal records. (Gemmell of Grafton Dist. 10 - To Municipal and County Government)

HB 682, relative to the motor vehicle collections by town clerk or other municipal official and providing for the removal of a town clerk for cause.

(Bednar of Hillsborough Dist. 14; Wiggins of Sullivan Dist. 8; Callahan of Cheshire Dist. 2; Faucher of Cheshire Dist. 2, for Department of Revenue Administration - To Municipal and County Government)

HB 683, requiring centralized data processing to furnish the department of revenue administration a listing of total amount of motor vehicle permit fees collected by each city or town. (Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Executive Departments and Administration)

#### SENATE MESSAGES CONCURRENCE

HB 37, relative to the taking of wild deer in the town of Chester.

HB 4, amending the hunting season for raccoons.

HB 136, providing for a 3-day nonresident small game hunting license.

HB 192, relative to the taking of deer in the town of Auburn.

HB 105, relative to the revocation and suspension of hunting and fishing licenses pending appeal of conviction of fish and game regulation violation and the statutes relative to littering.

#### INTRODUCTION OF SENATE BILLS AND SJR

SB 60, relative to the extending of deer season for muzzle-loaders under certain condition. (Fish and Game)

SB 72, instructing the commissioner of resources and economic development to erect a commemorative marker on the Hampton harbor pier commemorating the Irving N. Jones family for contributions to commercial fishing. (Public Works)

SB 83, relative to wild turkeys. (Fish and Game)

SB 27, revising the occupational regulations relating to barbering. (Commerce and Consumer Affairs)

SJR 1, establishing a committee to study the feasibility of quarterhorse race meets running concurrently with thoroughbred race meets. (Regulated Revenues)

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 31, repealing restrictions on certain expenditures relative to Pease Air Force Base. (Amendment printed in SJ 3/10.)

Rep. Benton moved that the House concur.

Adopted.

#### ENROLLED BILLS REPORT

HB 72, making general revisions of the laws relating to parachuting.

HB 117, relative to a town's authority to appropriate for school purposes.

SB 35, relative to the incompatibility of certain town offices.



HB 136, providing for a 3-day nonresident small game hunting license. Rep. Josephine Martin For the Committee.

#### COMMITTEE REPORTS

HB 147, relative to the employment of an auditor by a school district. Ought to Pass. Rep. Taffe for Education. This bill permits a school district to choose a nonresident auditor. Under present law, an auditor chosen by the district must be a voter in the district. Committee vote was 15 - 0. Ordered to third reading.

HB 377, relative to state aid for area vocational students. Ought to Pass. Rep. Taffe for Education.

This bill repeals a statute which has been replaced by a statute passed in 1973 regarding regional vocational education. Committee vote was 15 - 0. Ordered to third reading.

HB 328, prohibiting the removal of sand or vegetation from a sand dune and providing a penalty therefor. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

This bill was supported by Seabrook chief of police, both House representatives and several people appearing at hearing. No opposition. Applies only to actual Atlantic Ocean frontage and does not affect area west of Route 1-A or the power project. Committee vote was unanimous.

#### Amendment

Amend RSA 217:2 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

217:2 Sand Dunes; Removal Prohibited.

I. "Sand dune," as used in this subdivision, shall mean a hill or ridge of sand piled up by the wind and commonly found on the seacoast.

II. Except for persons granted a permit under RSA 483-A it shall be unlawful for any person to remove any sand or vegetation from any sand dune within 100 feet of the highwater mark of the Atlantic ocean frontage in the town of Seabrook.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.  
Ordered to third reading.

HB 207, relative to hunting with bow and arrow. Ought to Pass with Amendment. Rep. Stimmell for Fish and Game. The Committee felt that with the small number of deer taken by bow and arrow hunters this bill would be a real incentive for archers to hunt in this state. Committee vote was 16 - 2.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Hunting by Bow and Arrow. Amend RSA 208:5 (supp) as amended by striking out said section and inserting in place thereof the following:

208:5 Bow and Arrow. Any resident upon the payment of a fee of \$7.50, or any nonresident upon the payment of a fee of \$20.50, shall be issued a special archery license. Said special archery license shall entitle the holder to hunt deer with bow and arrow for the period from October 1 to the end of the regular deer season of each year throughout the state and in Bear Brook Refuge under the following conditions: A person holding such special license shall, notwithstanding RSA 208:7, be entitled to kill one deer under said special license and one deer as a holder of a firearms hunting license. Said special archery license shall also entitle the holder to hunt wild animals, game animals and game birds with bow and arrow during the open season therefor under the following conditions: If said nonresident not holding a New Hampshire hunting license shall be a person under 16 years of age he shall not be entitled to hunt under said special archery license except when accompanied by a properly licensed person who is 18 years of age or over. A special archery license shall not be required for residents less than 16 years of age, but such person while hunting with bow and arrow must be accompanied by a properly licensed person who is 18 years of age or over, and must further comply with all the provisions of this chapter. No person hunting under the provisions hereof shall carry any firearms and no deer shall be taken with firearms under the archery license. The prohibition against carrying firearms shall not apply to persons properly licensed to carry firearms. Any person taking deer under this section shall notify a conservation officer within 48 hours of such taking.

Amendment adopted.  
Referred to Appropriations.

HB 288, relative to emergency medical technicians. Ought to Pass. Rep. Blanchette for Health and Welfare.

Permits the establishment of emergency rescue units manned by emergency medical technicians-paramedics. It allows these paramedical units to possess and use controlled drugs under the supervision of a licensed physician. The use of controlled drugs by the emergency rescue unit, permitted by this legislation, would be monitored by strict security. The emergency medical technicians-paramedics would be certified by the State Board of Medicine and would be exempt from civil liability for acts of omission done in good faith unless the act was a result of gross negligence or wilful misconduct. Vote in Committee was 16-0.  
Ordered to third reading.



HB 248, relative to mandatory sentences for felonious use of firearms. Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary.

The bill, as amended, expands the definitions of firearms under which the present statute dealing with the felonious use of firearms applies; and further clarifies the crimes to which the present statute refers. The vote of the Committee was 15 - 0.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to firearms in the commission of felonies.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Use of Firearm in Commission of Felony. Amend RSA 159:2 (supp) as amended by striking out said section and inserting in place thereof the following:

159:2 Use of Firearm in Commission of Felony. If any person shall commit or attempt to commit a felony when armed with a pistol, revolver, rifle, shotgun, or any other firearm, he shall, in addition to the punishment provided for the crime, be guilty of a class B felony. For any subsequent offense, any person shall be guilty of a class A felony. The additional sentence of imprisonment hereby provided shall not be served concurrently with any other term; and no part of such additional term of imprisonment shall be suspended. The provisions of RSA 651 relative to parole shall not apply to any sentence imposed pursuant to this section.

Amendment adopted.

Ordered to third reading.

HB 257, establishing a permanent joint legislative committee on elderly affairs. Ought to Pass with Amendment. Rep. Roderick O'Connor for Legislative Administration.

The hearing on HB 257 was totally in favor, the Committee vote was unanimous. Some 1500 to 2000 signatures were presented in favor of this, all from senior citizens organizations.

#### Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Joint Committee Continued. Such members of the joint committee on elderly affairs appointed pursuant to House Concurrent Resolution 18 of the 1975 general court who are re-elected to the 1977 session of the general court, may be reappointed as members of the committee established in section 1. Any vacancies in the committee shall be filled by either the speaker of the house or the president of the senate as is appropriate.

Amendment adopted.

Ordered to third reading.

HB 1, relative to the fee schedule of the registers of deeds in all counties. Ought to Pass with Amendment. Rep. Mann for Municipal and County Government.

The original bill provided for a uniform fee schedule and approximately a 20% increase in fees for the Registries of Deeds in all counties. The bill, as amended, is more comprehensive. The proposed amendment sets out the revised fees and specifically applies only to those eight counties whose registers of deeds are on salary and turn their fees over to the County as revenue. The increase is necessary to cover increased operating expenses and make the Registries self-sustaining department; the provision for uniform fees represents a substantial savings in time and money. Separate provisions are made for Carroll and Coos counties until their Registers also go on salary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the fee schedule of the recording officers.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Register of Deeds Fees in Certain Counties. Amend RSA 478:17-g (supp) as inserted by 1973, 217:1 by striking out said section and inserting in place thereof the following:

478:17-g Fees in Certain Counties. The register of deeds in Belknap, Cheshire, Grafton, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan counties shall be entitled to the following fees:

I. For recording a deed, mortgage, attachment of real estate, lease, agreement, assignment, release, discharge, and like documents, \$6 for the first recorded page, plus \$3 for each additional recorded page. Said charges shall include all charges for information furnished in compliance with RSA 478:14; provided that if the instrument contains the names of more than one grantor and one grantee an additional fee of \$.50 shall be charged for indexing the names of each additional grantor and grantee.

II. For recording plans, \$6 for the first 200 square inches or part thereof and \$1 for each additional 100 square inches or part thereof.

III. For copying any other document the charge shall be established and posted by the register of deeds.

2 Duties of Filing Officer. Amend RSA 382-A:9-403 (5) (supp) as inserted by 1959, 247:1 as amended by striking out said paragraph and inserting in place thereof the following:

(5) The fee for filing, indexing and furnishing filing data for an original or a continuation statement, or any amendment thereof, on a form conforming to standards prescribed by the secretary of state shall be \$6, or, if the statement does not conform to such form but otherwise conforms to the requirements of section 9-402, \$6.

3 Termination Statement. Amend RSA 382-A:9-404 (1) and (3) (supp) as inserted by 1959, 247:1 by striking out said paragraphs and inserting in place thereof the following:

(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The fee for filing and indexing such an assignment or statement thereof shall be \$6. If the affected secured party fails to send such a termination statement within 10 days after proper demand therefor he shall be liable to the debtor for \$100, and in addition for any loss caused to the debtor by such failure.

(3) The fee for filing and indexing a termination statement including sending or delivering the financing statement shall be \$6.

4 Federal Tax Lien. Amend RSA 454-A:4 as inserted by 1967, 238:1 by striking out said section and inserting in place thereof the following:

454-A:4 Fees. The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien is:

I. For a tax lien on real estate, \$6;

II. For a tax lien on tangible and intangible personal property, \$6;

III. For a certificate of discharge or subordination, \$6;

IV. For all other notices, including a certificate of release or nonattachment, \$6. The officer shall bill the district directors of internal revenue on a monthly basis for fees for documents filed by them. Notwithstanding any other statutory provisions for fees, the fees established by this chapter shall prevail.

5 Attachments. Amend RSA 511:6 as amended by striking out said section and inserting in place thereof the following:

511:6 Register Fees.

I. In all counties, except Coos and Carroll, the officer making it, pay to the register of deeds the fees established pursuant to RSA 478:17-g.

II. In Coos and Carroll counties the officer making such attachment shall, at

the time of making it, pay to the register of deeds \$3 for the first recorded page, plus \$2 for each additional recorded page, which shall be in full for his services in receiving and filing the copy, certifying the time of receiving it, and entering the attachment upon the index; and the register shall be paid \$2 for recording the discharge of such attachment.

III. When the county conventions in Coos or Carroll counties adopt the provisions of RSA 478:17-h, the provisions of paragraph I shall apply to those counties.

6 Dissolving an Attachment. Amend RSA 511:8 as amended by striking out said section and inserting in place thereof the following:

511:8 Dissolution.

I. In all counties, except Coos and Carroll, when an attachment upon real estate is dissolved or the levy thereunder is defeated, the plaintiff or his attorney, upon request, shall give to the defendant or owner of the land a discharge thereof, and the defendant or owner of the land, within 30 days after such attachment is dissolved or levy thereunder defeated, shall cause the discharge to be recorded in the office of the register of deeds in which said attachment or levy is recorded, and shall pay the register of deeds the fee established pursuant to RSA 478:17-g.

II. The fee for recording a discharge of an attachment in Carroll and Coos counties in accordance with the requirements of paragraph I shall be \$2.

III. When the county conventions in Coos or Carroll counties adopt the provisions of RSA 478:17-h, the fees prescribed in RSA 478:17-g shall apply.

7 Levy on Realty. Amend RSA 529:31 as amended by striking out said section and inserting in place thereof the following:

529:31 Fees.

I. In all counties except Coos and Carroll, the officers so making a levy shall pay to the register of deeds the fees prescribed in RSA 478:17-g and shall be entitled to the same fees for travel and copy as in case of an attachment of real estate, all of which shall be returned upon the execution.

II. In Coos and Carroll counties, the officers so making a levy shall pay to the register of deeds \$3 for the first recorded page plus \$2 for each additional recorded page for his fees and shall be entitled to the same fees for travel and copy as in case of an attachment of real estate, all of which shall be returned upon the execution.

III. When the county conventions in Coos or Carroll counties adopt the provisions of RSA 478:17-h, the fees prescribed in RSA 478:17-g shall apply.

8 Repeal. 1965, 292:3 relative to fees for Grafton county register of deeds is hereby repealed.

9 Repeal. 1963, 201:3 relative to fees for Rockingham county register of deeds is hereby repealed.

10 Repeal. Whenever the register of deeds for Coos county shall be paid on a salary basis only, RSA 478:17 relative to fees for registers of deeds is hereby repealed.

11 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 156, relative to the property tax list. Ought to Pass with Amendment. Rep. Bednar for Municipal and County Government. This bill would require the tax collector to send tax bills by first class mail so the collector will know if the bill was deliverable, and sent separately to insure that they are sent on time. The amendment adds a clause providing that in towns where the mailings coincide, the bills may be sent jointly with resident tax bills.

#### Amendment

Amend RSA 76:11 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

76:11 Delivery of List; Notice to Taxpayer. Such list shall be delivered to the collector within 30 days from the receipt of information by the selectmen from the commissioner of revenue administration of the rate percent of taxation as provided in RSA 41:15 unless for good cause the time is extended by the commissioner of revenue administration. The collector shall within 30 days after the receipt of such list, send to every person taxed, or his agent, if known, a bill for such taxes by first class mail, unless for good cause the time is extended by the commissioner of revenue administration. Said bill shall be mailed separately and not included with mailing of other town bills. Provided, however, that resident tax bills may be included with property tax bills when the inclusion of such resident tax bills will not unduly delay the mailing of either the resident or property tax bills.

Amendment adopted.

Ordered to third reading.

HB 164, relative to the penalty for late payment on the Nashua city tax. Inexpedient to Legislate. Rep. Drewniak for Municipal and County Government.

This bill would have singled out Nashua for an increase in the penalty for late payment of the city tax from 6 to 9 percent. The Committee feels that such an arbitrary measure would not be effective or fair in dealing with overdue taxes.

Resolution adopted.

HB 198, giving village districts the authority to maintain ambulance services. Ought to Pass. Rep. Mann for Municipal and County Government.

Some village districts currently maintain ambulance services, but have found they lack specific authorization in the statutes. This bill would give them the legal authorization necessary. Ordered to third reading.

HB 213, relative to reconsidering an action taken at a town meeting, village district meeting or school district meeting. Ought to Pass. Rep. Bednar for Municipal and County Government.

The intent of this bill is to protect the majority vote and eliminate late considerations which often change the original vote based on reduced attendance. The committee voted unanimously.

Rep. Mann moved that HB 213 be recommitted to the Committee on Municipal and County Government and spoke to his motion.

Adopted.

HB 323, relative to loss of settlement for participation in local work programs. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

This bill clarifies the intent of the existing law on employment of paupers and on town welfare settlements. The Committee feels this bill would help settle those problems that have arisen in transferring town welfare recipients to the jurisdiction of the county after settlement has been established.

Ordered to third reading.

HB 454, relative to the appointment of a health officer for a town. Ought to Pass. Rep. Mann for Municipal and County Government.

Presently, the Board of Selectmen selects a health officer for rubber stamp approval by the Director of Health - no standards exist and no communication takes place between the Director of Health and Selectmen. The Selectmen are liable for the health officer and his appointment without knowing their responsibilities. This bill by requiring consultation is intended to establish guidelines for the Selectmen and improve the process of appointment.

Ordered to third reading.

HB 70, requiring the state to assume Lancaster's ownership interest in a covered bridge between Lancaster, New Hampshire and Lunenburg, Vermont. Inexpedient to Legislate. Rep. Tarr for Public Works.

It was unanimously agreed that this bill should be inexpedient to legislate because of the difficulties of coordinating the consent of the New Hampshire and Vermont Legislatures. This is further complicated in that Vermont shows no record of partial ownership of this bridge.



Rep. Marshall French moved that HB 70 be referred to the Committee on Interstate Cooperation and spoke to his motion.

Reps. Griffin and Horton spoke in favor of the motion.

Adopted.

HB 307, allowing town selectmen to set the beano fee from \$1.00 to \$25.00.

Majority: Ought to Pass. Rep. Gabrielle Cagnon for Regulated Revenues; Minority (Reps. Cunningham, Myrl R. Eaton, Anne B. Gordon, Sanborn, Morin and Duhaime): Inexpedient to Legislate.

Majority: This bill would allow selectmen of a town (or a city council in the case of a city) to set Beano license fees based on local groups ability to pay. Committee vote was 10 - 6.

Minority: No standard guidelines or criterion are offered to aid selectmen in setting any rate other than the \$25. fee now established. If this bill becomes law it could open up a kettle of worms; which could result in more stringent rules or regulations being enacted controlling the game of beano.

Ordered to third reading.

HB 154, relative to agreements for open listing of real estate. Ought to Pass with Amendment. Rep. Hartford for Statutory Revision.

This bill requires that all agreements to list real estate for sale, rent or lease shall be in writing, giving clear and definite provisions describing the property and all terms and conditions of contract including the commission to be paid. Amendment was made to include penalty. If passed, it offers protection to buyer, seller (or landlord, tenant) and the real estate broker or salesman. The real estate commission favors the bill.

Rep. Kashulines moved that HB 154 be recommitted to the Committee on Statutory Revision and spoke to her motion.

Rep. Ray Conley spoke in favor of the motion.

Adopted.

#### SUSPENSION OF RULES

Rep. Marshala moved that the rules be so far suspended as to permit the House to consider a committee report not previously advertised in the Calendar on HB 425, making a special appropriation for moving the department of safety from the John O. Morton building and other locations to the James H. Hayes safety building.

Reps. Marshala, Marshall French and Coutermarsh spoke in favor of the motion.

Adopted by the necessary two-thirds.

#### COMMITTEE REPORT

Hb 425, making a special appropriation for moving the department of safety from the John O. Morton building and other locations to the James H. Hayes safety building. Ought to Pass. Rep. McLaughlin for Public Works.

This bill makes an appropriation for transitional expenses to cover grounds costs, relocation of State Police criminal laboratory and communications, telephone and teletype installations.

Referred to Appropriations.

#### SUSPENSION OF RULES

Rep. Tucker moved that the rules be so far suspended as to permit a public hearing on HB 369, extending certain capital appropriations, without the required notice in the Calendar.

Rep. Tucker yielded to Rep. Tarr who spoke to the motion.

Adopted by the necessary two-thirds.

Rep. Tucker, Appropriations Chairman, addressed the House on the operating budget.

Governor Thomson's recommended budget proposes a method of balancing that requires the Legislature approve revenue raising proposals. These changes, if adopted, he estimates will yield \$21,515,000 over the biennium. He further recommends raising \$500,000 by selling surplus state property.

Reductions in the cost of services and operations are also a part of his balancing method. He recommends amending the provisions of the Workmen's Compensation law applicable to state employees. If this measure were adopted, the Governor estimates the biennial cost for this obligation will be reduced by \$1,350,000.

Additionally to fund his budget proposal and to provide funds for legislative specials and a surplus at the end of the biennium, he suggests the legislative branch lapse \$300,000 of its available balances forwarded and a reduction in state personnel by a number sufficient to further reduce his recommended general fund spending recommendation by \$7,000,000.

The total for the above amounts is \$30,665,000.

The operating budget as recommended to the legislature by the Governor:

1. funds the reimbursements to cities and towns at the 1977 level. This provision reduces the returns to the cities and towns by \$3,714,604.
2. funds the regional vocational centers with sweepstakes revenues. These revenues are statutorily dedicated to school districts for district purposes. Adoption of this proposal reduces the local revenues from sweeps programs by \$1,220,000.
3. funds activity in the division of state police with highway funds, activities which formerly were funded with general funds. An opinion is currently being sought from the Supreme Court. If the Court rules this action is unconstitutional, the general fund will have to raise an additional \$1,220,000.

Total for the above amounts is \$6,154,604.



The Governor's recommended budget did not include funds for the following:

1. The State's share of the normal retirement contribution appropriated provisionally in 1976 Special Session amounting to \$978,581
2. Increases for fuel--cost per barrel went from \$12 to \$14 a barrel, a 16-2/3 per cent increase which translates to \$312,000 for the N.H. Hospital alone.
3. Automobile liability insurance which has been rising at an annual rate of approximately 80 per cent over the past few years. If this trend continues, increases amounting to another half million can be expected during the biennium 1978-1979.
4. A State Health Planning and Development Agency, a general fund requirement of \$95,343 for the biennium. This agency is vital to New Hampshire if it wishes to continue participating in federally-funded projects and operations dealing with health care delivery systems.
5. Medically Needy Program administered by the Division of Welfare, \$2,958,622.

Total \$4,844,546

Agency testimony before the House Appropriations Committee identified as areas of critical need due to underfunding or no funding the following:

Department of Centralized Data Processing: Operating Expenses \$400,000

State Prison: Total Operations \$2,100,000

Liquor Commission: Transportation Costs \$200,000. Agency requests exceeded Governor's recommendation by \$1,000,000.

Superior Court Judges (2) \$165,000

Resources & Economic Development:  
 "... Department is convinced that not less than an additional \$450,000 must be added to the Governor's ... " The lion's share of that request is for maintenance on the existing department plant. That is the existing buildings around the State Park systems. There is a \$20,000,000 plant for which the State of New Hampshire is responsible, and in order to maintain those buildings and keep them from deteriorating, the department indicates that it needs some \$450,000

Adjutant General: Utilities and Supplies for Armories and Pease AFB \$340,000

Civil Defense: Training of volunteers and for natural disasters, such as the floods we have had in the last few days, indicating the need for \$120,000 additional.

Public Utilities Commission: To match federal funds for Railroad Division, \$35,000

Youth Development Center: Personnel for facility housing females awaiting court disposition, a training director and additional funds for operating expenses \$250,000

Unemployment Compensation: A new law requires that unemployment compensation be provided for temporary employees--estimated to cost New Hampshire for its temporary personnel \$400,000, which is not in the Governor's budget.

Transportation Authority: Has indicated that it needs \$65,138, to qualify for Federal funds amounting to \$415,000, for a federal subsidy for Manchester Transit Authority.

Aeronautics Commission: Needs a minimum, above the Governor's budget, to keep its program in grants to Airports and operational equipment a total of \$70,750.

Note - Governor proposes lapsing balance of airport sinking fund and, the future airways tolls and operating fees be considered unrestricted revenues. Estimated value to general fund amounts to approximately \$120,700 for the biennium.

Division of Public Works: New positions and related expenses, required to keep up with building inspections of the capital projects that the Legislature has approved and are now in the process of being built, an additional \$119,499, to supervise the work that this legislature has authorized in capital improvement.

Division of Welfare: Critical needs -- listing of 15 items, which I will not list, but totals \$6,501,485

Division of Mental Health: This is for 1978 alone. N.H. Hospital (1978) \$516,000. Laconia State School (1978) \$484,000. Community Mental Health Centers (1978) \$513,000. Mental Retardation Centers (1978) \$268,715. For one year of the biennium, (1978 only), class as a critical need \$1,781,715.

Education: Education to handicapped tuition payment \$403,200. Education to handicapped local school districts \$888,000. Voc. Rehab--Blind Services \$98,856. The biennial need to meet those programs--handicapped and blind and the education budget--comes to \$2,400,000

N.H. Incentive Program: Governor's proposal funds freshmen applicants only, the people who are now freshmen and will be sophomores next year would lose that aid. And in the following year of the biennium, of course, they would be juniors and there would be three classes. If the legislation approved by this Legislature

is to be provided to a student from the time he's a freshman through his senior year, to carry out the program for the next two years, will require \$672,500.

University System: \$4,200,000.  
University stated this to be necessary to maintain current program levels. (Would require \$7,200,000 but by taking drastic steps they can operate with 4.2 million.)

TOTAL \$20,271,087

GRAND TOTAL \$31,270,237

This is not an exhaustive list, but an example of what has been presented.

It does not include legislative specials such as House Bills 518, (teachers' cost-of-living prior to 1957 - \$404,212) and 601, (retirement cost-of-living, all members of system - \$3,023,570)

Also not included are all of the legislative specials which have been drafted up to this point, which now come to a total of \$97 million dollars.

That concludes my remarks except to point out that the fiscal problem that this Legislature faces is not one that is going to be dealt with, with cartoons, or editorials, or emotions, but some hard work, I think it is incumbent upon each of us to recognize and recognize early, that there are no magic tricks and no magic formulas that are going to pull that rabbit out of the hat.

There is a big gap between what we have available to deal with and what the needs of the state are. It is going to require the diligent effort of all of the 400 members of this House and 24 members of the Senate to solve the problem. We are not taking an issue today in support of or against any of those proposals. It is simply to bring to your attention where we stand as of today.

Rep. Marshall French moved that Rep. Tucker's remarks be printed in the Journal.  
Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 17 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 147, relative to the employment of an auditor by a school district.

HB 377, relative to state aid for area vocational students.

HB 328, prohibiting the removal of sand or vegetation from a sand dune and providing a penalty therefor.

HB 288, relative to emergency medical technicians.

HB 248, relative to firearms in the commission of felonies.

HB 257, establishing a permanent joint legislative committee on elderly affairs.

HB 1, relative to the fee schedule of the recording officers.

HB 156, relative to the property tax list.

HB 198, giving village districts the authority to maintain ambulance services.

HB 323, relative to loss of settlement for participation in local work programs.

HB 454, relative to the appointment of a health officer for a town.

HB 307, allowing town selectmen to set the beano fee from \$1.00 to \$25.00.

371 members were recorded as present.

Reps. Marshall French and Coutermarsh moved that the House adjourn.  
Adopted.

The House adjourned at 3:35 p.m.

# HOUSE JOURNAL 18

*Thursday, 17 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

I would like to introduce my prayer with this true story. It is St. Patrick's Day. I had this encounter with an Irish friend of mine. His name is Timothy. He's four years old. I enjoy children. 'Like them around.' Specially children I can enjoy and send home after I have spoiled them. One day I was hugging and wrestling with Timmy and pretending by saying: "I'm going to bite your bum." I think this has something to do with being a grandfather type. Grandfathers do and say silly things, at times, and often live to regret their actions. Well, Timmy went home and all was soon forgotten, I thought. A day or two later, however, I was out on the Church lawn, bent over weeding the flowers, when all of a sudden I felt this very sharp pain in the vicinity and a little lower than my pants back pocket. I turned around, with a start, and you guessed it! There was Timmy, looking up at me with two smiling blue eyes. Ane he said: "I bite your bum."

Let us pray:

O God, how many times have our words and deeds returned to bite us. Frequently to our sorrow and dismay. Lord, guide us. It is written, "By their works You will know them and by their works they shall be known." May our labors here in this great assembly bear the fruit of effort begun and completed with Your approval. May our design for a successful session be the one offered by the One called Jesus: "Do unto others as you would have others do unto you." Let it be Lord, let it be! Amen!

Rep. Cecelia Winn led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Simard, Dennis Ramsey, Forsaith Daniels, Frizzell, St. George, Anthony Randall, Catherine-Ann Day and Desnoyer, the day, illness.

Reps. Emma Wheeler, Close, Found, Chapman, Martin, Head, Spirou, Kevin Sullivan, Alter and Chambers, the day, important business.

## INTRODUCTION OF GUESTS

Miss Cynthia Loulakis, guest of Rep. Kaklamanos; Twelve members of the Tamworth-Sandwich-Madison Republican Women's Club, Mrs. Mary DeMerritt, President, guests of Reps. Raymond Conley and Kenneth Smith; Eric Peterson, guest and son of the Assistant Clerk; Col. and Mrs. John Pelton, John and Ben Pelton, parents and brothers of Rep. Pelton;

Grades five and six, Barnstead Elementary School, teacher Mrs. Margo Johnson and chaperones, Mr. and Mrs. Fred Boelzner, Mrs. Joanne Murphy, Mrs. Holly Bickford, Mr. and Mrs. Vincent Mulligan and Rev. Melvin Jones and exchange students from Sweden, Anna Backman and Bertil Ljungberg.

## SENATE MESSAGE CONCURRENCE

HB 32, relative to the duties of the director of mental health in regard to community mental health.

HB 95, updating the cancer commission enabling act.

HB 138, defining bodies of water 10 acres or more for the purpose of trapping.

HB 121, relative to town officers' associations.

HB 241, repealing the requirement to print hydrophobia symptoms on dog licenses.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 684 and 685 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS

First, second reading and referral  
HB 684, providing for the regulation of business takeovers. (Scranton of Cheshire Dist. 16; Buckman of Grafton Dist. 9; Boucher of Merrimack Dist. 6; Morgan of Hillsborough Dist. 3 - To Commerce and Consumer Affairs)

HB 685, relative to public greyhound racing kennels. (Parr of Rockingham Dist. 12; Sen. Fennelly of Dist. 21; Wallin of Hillsborough Dist. 16; Coutermarsh of Hillsborough Dist. 24; Donnelly of Strafford Dist. 17 - To Regulated Revenues)

## ENROLLED BILLS REPORT

HB 37, relative to the taking of wild deer in the town of Chester.

HB 31, making a supplemental appropriation to the adjutant general's department for fiscal 1977 and repealing restrictions on certain expenditures.

Rep. Webster Bridges  
For the Committee

## ENROLLED BILLS AMENDMENTS

HB 192, relative to the taking of deer in the town of Auburn. (Amendment printed in SJ 3/15)

This amendment rennumbers the section inserted to avoid duplicate section numbers.

Adopted.

HB 105, relative to the revocation and suspension of hunting and fishing licenses pending appeal of conviction of fish and game regulation violation and the statutes relative to littering. (Amendment printed in SJ 3/15)

This amendment corrects a technical error in the amending clause and does not affect the substance of the bill.

Adopted.

HB 4, amending the hunting season for raccoons. (Amendment printed in SJ 3/15)  
This amendment is necessary to conform the title to the substance of the amended bill.

Adopted.

#### SIX-DAY EXTENSIONS GRANTED

HB 246, authorizing savings banks to invest in subsidiary corporations engaged in personal property lease financing. (Commerce and Consumer Affairs)

HB 258, restricting the disposal of nuclear wastes in the state and within the coastal jurisdiction of the state. (Science and Technology)

HB 219, to reclassify certain highways in the city of Rochester. (Public Works)

HB 228, increasing highway aid to towns and cities. (Public Works)

HB 244, relative to compensation of registers and deputy registers of probate. (Municipal and County Government)

HB 247, amending the charter of the city of Laconia relative to the police commission. (Municipal and County Government)

HB 262, reducing the penalty for possession of one ounce or less of marijuana to a violation with a mandatory fine. (Judiciary)

HB 267, establishing a Bristol judicial district and a Bristol district court. (Judiciary)

HB 239, providing for local designation of certain specified resource areas as critical and locally regulating land use therein. (Environment and Agriculture)

HB 240, exempting certain towns from the prohibition against burning refuse in an open pit. (Environment and Agriculture)

HB 218, renaming the bureau of off-highway recreational vehicles; renaming the supervisor of the bureau; and creating additional responsibilities for the bureau. (Transportation)

HB 229, amending certain provisions of the statutes relative to OHRVs. (Transportation)

HB 269, relative to the suspension and revocation of a person's license or operating privilege. (Transportation)

HB 224, relative to the training of dogs. (Fish and Game)

HB 230, relative to establishing an open season for the taking of wild doves. (Fish and Game)

HB 243, relative to hunting accident in which a person is wounded or killed. (Fish and Game)

HB 250, establishing procedures for search and rescue operations; establishing a search and rescue account, and making an appropriation therefor. (Fish and Game)

HB 109, designating "New Hampshire's Granite State" as a state song. (Claims, Military and Veterans Affairs)

HB 3, repealing the provisions relative to establishing additional district courts. (Judiciary)

HB 107, relative to publicly funded relief for volunteer ambulance drivers. (Municipal and County Government)

HB 132, prohibiting the transfer of property within 3 years of applying for town assistance. (Municipal and County Government)

HB 110, reclassifying a certain highway in the city of Somersworth. (Public Works)

HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles. (Transportation)

#### COMMITTEE REPORTS

##### (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 389, 447, 490 and 113, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 291, 330, 362, 363, 373 and SB 44, and further moved that the House adopt the committee recommendation of Refer to Interim study by the designated standing committee on HB 221.

HB 221 was withdrawn from the Consent Calendar at the request of Rep. M. Arnold Wight.

Adopted.

HB 389, to reimburse Earla K. Williams for educational expenses incurred during an educational leave from the division of welfare and making an appropriation therefor. Inexpedient to Legislate. Rep. Benton for Claims, Military and Veterans Affairs.

The application of the claimant for education at state expense was negated on three separate occasions by the Educational Leave Committee of the New Hampshire Division of Welfare. The claimant chose to attend college at her own expense and now seeks reimbursement from the state. It should be noted, at least five other employees of the New Hampshire Division of Welfare, also denied education at state expense, attended college at their own expense. On this basis, the Committee could find no cogent reason for singling out the claimant for reimbursement.

HB 447, providing for payment of a claim to Richard Newsky and making an appropriation therefor. Inexpedient to Legislate. Rep. Whipple for Claims, Military and Veterans Affairs.

The Committee was unanimous in rejecting the claim of an individual performing in a "hazardous duty" area, the State Prison, on the basis that each such individual receives an additional \$25.00 per week "hazardous duty" pay, which is given to



compensate for situations, to include the damaging or loss of clothing and personal property.

HB 490, providing for the payment of a claim to Bessie Timbas and making an appropriation therefor. Inexpedient to Legislate. Rep. Parolise for Claims, Military and Veterans Affairs.

The sponsor wished to withdraw bill.

HB 118, restricting deer hunting in the lakeshore area of the town of Alton. Inexpedient to Legislate. Rep. Wiswell for Fish and Game.

After two hearings the Committee still felt this was a matter for home rule. Vote in Committee was 13 - 1.

HB 291, making an appropriation to the department of resources and economic development for grants and loans for projects authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965. Ought to Pass. Rep. Fortier for Public Works.

This bill would make an appropriation to the Department of Resources and Economic Development for grants and loans for projects authorized by titles I, II and IV of the Public Works and Economic Development Act of 1965.

Referred to Appropriations.

HB 330, relating to the reclassification of certain highways in the town of Ossipee. Ought to Pass. Rep. Coburn for Public Works.

This bill reclassifies four class II highway sections in the town of Ossipee as class V highways. This bill was requested by the Department of Public Works and Highways and was passed in Committee unanimously.

HB 362, authorizing the use of highway funds for the functional replacement of land and improvements required for highway purposes. Ought to Pass. Rep. Coburn for Public Works.

This bill merely puts the state highway funds in compliance with federal regulations re: agreement with another state agency or municipality.

HB 363, relative to the notices required for the layout of class I and II highways. Ought to Pass. Rep. Galloway for Public Works.

Presently notices being delivered in person at great expense to state. Use of certified mail would result in considerable savings.

HB 373, relative to state maintenance of the road leading to the Bedell covered bridge. Ought to Pass. Rep. Galloway for Public Works.

This bill removes the prohibition against highway funds being used to improve the road to the Bedell covered bridge in Haverhill before the Department of Public Works and Highways will assume control.

SB 44, relative to the financial security of horse and dog race licensees. Ought to Pass. Rep. Cunningham for Regulated Revenues.

This bill authorizes the attorney general to investigate and report on prospective owners and operators of horse and dog track racing to the racing commissions.

Also, increases bonding to \$300,000 from its present level of \$50,000, thus safeguarding the integrity of racing in New Hampshire. The vote of the Committee was 15 - 0.

#### COMMITTEE REPORTS (Regular Calendar)

HB 475, providing for payment of a claim to Charles R. Sargent of Laconia and making an appropriation therefor. Ought to Pass. Rep. Benton for Claims, Military and Veterans Affairs.

Damage to monuments occurred in 1973 when plows on Route 11 pushed snow against rock wall around "Sargent Cemetery," causing large boulders to roll into cemetery, smashing into monuments, causing breakage. At this late date it is impossible for the State Highway Engineer to determine whether the plows were those of the State Highway Department, or of civilian contractors hired by the state. Vote in Committee was 9 - 5. Ordered to third reading.

HB 278, relative to the operation of retail gasoline outlets. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumers Affairs.

The Committee felt that this bill was not in the consumer's interest. Through testimony it was ascertained that self-service stations do not pose a safety hazard and that they will never dominate the gasoline retail market. This bill would also increase the cost of gasoline to the consumer. The vote was inexpedient 7 - 4. Resolution adopted.

HB 416, appropriating moneys for dues and expenses for the education commission of the states. Inexpedient to Legislate. Rep. Henry Richardson for Education.

Testimony offered did not conclusively justify the need for this amount of money in support of stated program. Further, the Committee felt that these monies should have been incorporated within one or the other state departmental operational budgets (Education/Executive). Resolution adopted.

HB 350, to provide for economic impact statements for certain proposed rules, regulations, acts or projects which require an environmental impact statement. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

This bill would require analysis already dealt with in present environmental impact studies. Implementation of the bill would be very costly because the economic information would be so difficult to obtain and verify. Ironically, the criteria provided by the bill could be abused by opponents of economic projects. Aside from a sponsor, testimony at the public hearing was either opposed or uncommitted. Committee vote was 18-0. Resolution adopted.

HB 180, relative to limits on commercial trapping. Majority: Inexpedient to Legislate. Rep. Stimmell for Fish and Game; Minority (Rep. Sabbow): Ought to Pass.

Majority: The Committee felt it was almost a permanent ban on land trapping. The Committee vote was 13 - 3.

Minority: Where land trapping represents such a small part of the overall total of animals trapped, the minority feels it would cause little hardship on trappers and license fees and would provide better control in the land trapping of commercial species. This bill limits commercial trapping in the best interest of the state and animals involved.

Rep. Corser moved that the minority report, ought to pass be substituted for the majority report, inexpedient to legislate and spoke to his motion.

Reps. George Wiggins, Milton Cate, Stimmell and Marshall French spoke against the motion.

Reps. Sabbow, Blakeney and Foley spoke in favor of the motion.

Rep. Horton spoke to the motion.

Rep. Corser requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 162 NAYS 180

YEAS 162

BELKNAP: Ambrose, Bowler, Gary Dionne, Goyette, Michael Hanson, Hildreth, Morin, James Murray, Nighswander, Sabbow and Sanders.

CARROLL: Roderick Allen.

CHESHIRE: Callahan, Daniel Eaton, Krause, Ladd, Lynch, Marshala, Matson, Proctor, Margaret Ramsay, Russell, Slack, Terry, Vrakatisis and Terry Wiggan.

COOS: Bradley Haynes, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Clark, Copenhaver, Cornelius, Crory, Dearborn, Hough, LaMott, Logan, Neil McIver, Rounds, Stomberg, Taffe, Taylor and Michael Woodward.

HILLSBOROUGH: Ahern, Ainley, Bednar, Albert Bellemore, Bernier, Bosse, Roland Boucher, Brack, Brody, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Cullity, Arline Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelin, Girolimon, Sal Grasso, Cort Hansen, Knight, LaFleur, LaPlante, Martineau, Miller, Morgan, Morrison, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Peters, Plomaritis, Podles, Leonard Smith, Van Loan, Wallace, Wallin, Welch, James J. White and M. Arnold Wight.

MERRIMACK: Blakeney, Carroll, Chandler, Eugene Daniell, Foley, Gamache, Hess, Polly Johnson, Kidder, LaBonte, McLane, McNichol, Mullin, Pelton, Ralph, Rice, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Campbell, Carpenito, Cutcliffe, Davis, DeCesare, Dunfey, Carl Gage, Ganley, Goff, Gould, Greene, Grieco, Hartford, Kashulines, Krasker, Joseph MacDonald, Donna McEachern, Nelson, Parolise, Pucci, Rogers, Rossley, Alfreda Smith, Splaine and Wojnowski.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Horrigan, Kelly, Maglaras, Maloomian, Morrisette, Sackett, Donald Smith, Valley and Voll.

SULLIVAN: Allen Wilson, Ingram, Sara Townsend and Tucker.

NAYS 180

BELKNAP: Beard, Marshall French, Lawton, Mansfield and Kenneth Randall.

CARROLL: Claflin, Raymond Conley, Dickinson, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Dostilio, Faucher, Fillback, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Parker, Scranton and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Mabel Richardson and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Duhaime, Myrl Eaton, Gemmill, Mann, McAvoy, Pepitone, Snell, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Aubut, Baker, Barrett, Belanger, Emile Boisvert, Wilfrid Boisvert, Bridges, Burke, Carswell, Coughlin, Crotty, William Desmarais, L. Penny Dion, Dupont, Clyde Eaton, Granger, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Lachance, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, McGlynn, Fred Murray, Nardi,

Timothy O'Connor, Pelletier, Arnold Perkins, Polak, Quigley, Record, Henry Richardson, Paul Riley, Sing, Edward Smith, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Geraldine Watson, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, John Cate, Milton Cate, James Humphrey, Donna MacIvor, Pratt, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson and Waters.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Blake, William Boucher, Connors, Cotton, Cummings, Cunningham, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Griffin, Hoar, King, Laycock, Lovejoy, Maynard, Joseph McEachern, Norton, Parr, Quimby, Richards Sanborn, Scamman, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Hebert, Joncas, Joos, Kincaid, Lefavour, Lessard, Nadeau, Osgood, Preston, Schreiber, Torrey and Tripp.

SULLIVAN: Brodeur, Burrows, D'Amante, Gray, LeBrun, Lewko, Palmer, Scott, Spaulding and George Wiggins, and the motion failed.

Resolution adopted.

Rep. Richard Hanson wished to be recorded against the motion, Ought to pass.  
Rep. Kaklamanos wished to be recorded in favor of HB 180.

HB 285, including personnel of the state university system under the minimum wage law. Inexpedient to Legislate. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Under the Fair Labor Standards Act of 1974 the University system had been paying student employees at 85% of one applicable minimum wage. In a recent Supreme Court decision these federal guidelines were ruled invalid and New Hampshire state law would dominate. The university system felt that the state's minimum wage law was ambiguous and it wanted the law to specifically mention "university system." In effect, this would allow them to pay students at a 75% rate instead of the previous 85%.

The Committee felt that this would not be helping the students and it would lead the way for the minimum wage law becoming too broad and catering to special groups. The Committee decision to report this bill inexpedient to legislate is meant to keep the law with a narrow intent. The vote was 14 - 1.

Resolution adopted.

HB 242, restricting the horsepower of motorboats operating upon White Oak pond in Holderness. Ought to Pass with Amendment. Rep. Clafin for Resources, Recreation and Development.

Evidence at hearing established that this is a small pond with inlets and the like constituting hazards; amendment lowers horsepower from 10 to 7.5, as the higher power on small boats can create high speed projectiles.

Amendment

Amend RSA 486:21 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

486:21 White Oak Pond. No person shall use or operate any motorboat or any boat equipped with an outboard motor in excess of 7.5 horsepower upon the waters of White Oak pond in the town of Holderness. Whoever violates this section shall be guilty of a violation.

Amendment adopted.

Ordered to third reading.

HB 305, reclassifying certain positions at Laconia state school and training center and making an appropriation therefor. Ought to Pass with Amendment. Rep. Rich for State Institutions.

Moves one dentist, one physician, and two senior physicians from classified to unclassified and adds one new physician-psychiatrist to the staff. The total needed for biennium is \$93,494.24. Unanimous vote of Committee.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation. There is hereby appropriated to the Laconia state school and training center the sum of \$93,494.24 to carry out the purpose of this act. This appropriation shall be in addition to all others for Laconia state school and training center. The governor is authorized to draw his warrant for said amount out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 388, relative to the monthly rate for the care, treatment, maintenance and training of any resident of the Laconia state school and training center. Ought to Pass with Amendment. Rep. Rich for State Institutions.

Provides that rates may be set commensurate with new services provided. Should make more federal funds available. Unanimous vote of Committee.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Determination of a Monthly Rate. Amend RSA 8:44, II as amended by striking out said paragraph and inserting in place thereof the following:

II. The director of mental health shall determine for any resident of the Laconia state school and training center uniform monthly rates to cover the expenses of the several categories of service provided to residents, which may be modified from time to time as determined by the director of mental health, such as: intermediate care facilities for the mentally retarded; custodial care and maintenance; professional care and treatment; and training and development.

Amendment adopted.

Referred to Appropriations.

HB 253, relative to discount on the tobacco stamp tax. Ought to Pass with Amendment. Rep. Ahern for Ways and Means. This is a compromise to allow wholesalers a 2.75 per cent discount (it was 3.5 per cent and changed in 1976 Special Session to a sliding scale from 2.75 per cent to 2 per cent depending on volume). Revenue loss to state estimated at \$140,000, but tobacco industry says this will be made up in increased sales.

#### Amendment

Amend RSA 78:9 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

78:9 Stamps. The commissioner shall secure stamps, of such design and denomination as he shall prescribe, suitable to be affixed to packages of tobacco products, as evidence of the payment of the tax imposed by this chapter. The commissioner shall sell such stamps to licensed manufacturers, wholesalers and subjobbers at a discount of 2-3/4 per cent of their face value to encourage manufacturers, wholesalers and subjobbers to affix such stamps and compensate them for so doing, and to licensed vending machine operators and retailers at their face value. The commissioner may, in his discretion, permit a licensed manufacturer, wholesaler, subjobber, vending machine operator or retailer to pay for such stamps within 30 days after the date of purchase, provided a bond satisfactory to the commissioner in an amount not less than the sale price of such stamps shall have been filed with the commissioner, conditioned upon the payment of such stamps. The commissioner shall keep accurate records of all stamps sold to each manufacturer, wholesaler, subjobber, vending machine operator and retailer, and shall pay over all receipts from the sale of such stamps to the state treasurer daily.

Rep. Ward moved that the words, inexpedient to legislate be substituted for the committee report, ought to pass with amendment, and spoke to her motion.

Reps. McLane, Stratton and Kenneth Smith spoke against the motion.

Reps. James J. White and Eugene Daniell spoke in favor of the motion.

A roll call was requested.  
Sufficiently seconded.

(Speaker Presiding)

YEAS 212 NAYS 139

YEAS 212

BELKNAP: Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Morin, Nighswander, Kenneth Randall, Sabbow and Sanders.  
CARROLL: Towle.

CHESHIRE: Chase, Dostilio, Fillback, Anne Gordon, Hogan, Krause, Ladd, Lynch, Matson, Parker, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Terry Wiggin.

COOS: Haynes, Horton, Huggins, Hunt, Keough, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Copenhagen, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ainley, Barrett, Bednar, Albert Bellemore, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Burke, Carswell, Coburn, Corser, Margaret Cote, Coughlin, Coutermarsh, Arline Dion, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Knight, LaFleur, LaPlante, Armand Lemire, Levesque, Marcoux, Martineau, McDonough, McGlynn, McLaughlin, Miller, Morrison, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, Orcutt, Pappas, Arnold Perkins, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Sing, Soucy, Stahl, Stylianos, Harold Thomson, Welch, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Laurent Boucher, Milton Cate, Chandler, Eugene Daniell, Gamache, Hess, James Humphrey, Kidder, Mullin, Plourde, Pratt, Ralph, Rice, Rich, Trachy, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blake, Carpenito, Connors, Cotton, Cunningham, Cutcliffe, DeCesare, Dunfey, Erler, Flanagan, Beverly Cage, Ganley, Gaskill, Hoar, Kashulines, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Norton, Parolise, Pucci, Rogers, Rossley, Sanborn, Scamman, Skinner and Alfreda Smith.

STRAFFORD: Appleby, Charles Grassie, Dianne Herchek, James Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Maglaras, Maloomian, Morrisette, Nadeau, Rod O'Connor, Preston, Sackett, Schreiber, Donald Smith, Torrey, Valley and Shirley White.



SULLIVAN: Allen Wilson, Gray, Ingram, Lewko, Scott, Sara Townsend, Tucker and George Wiggins.

NAYS 139

BELKNAP: Ambrose, Beard, Lawton, Mansfield, Marsh and James Murray.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Daniel Eaton, Faucher, Irvin Gordon, Elmer Johnson, Marshala, Moore, Scranton, Slack and Whipple.

COOS: Burns, Cooney, Fortier and George Lemire.

CRAFTON: Logan, Mann, McAvoy, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Belanger, Brody, Mark Connolly, Joseph Cote, Crotty, Cullity, William Desmarais, L. Penny Dion, Dreniak, Dupont, Clyde Eaton, Cort Hansen, Karnis, Keefe, Lachance, Lyons, Madigan, Morgan, Fred Murray, Timothy O'Connor, O'Neil, Pelletier, Peters, Quigley, Seamans, Edward Smith, Leonard Smith, Francis Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Carroll, John Cate, Foley, Richard Hanson, Polly Johnson, LaBonte, Donna MacIvor, McLane, McNichol, Pelton, Arthur Perkins, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr and Doris Thompson.

ROCKINGHAM: Akerman, Aller, Barka, Bisbee, Blanchette, William Boucher, Campbell, Cummings, Robert Day, Felch, Carl Gage, Goff, Gould, Greene, Griffin, Hartford, King, Lovejoy, Joseph McEachern, Nelson, Parr, Quimby, Richards, Schwaner, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Belhumeur, Burchell, Canney, Donnelly, Bruce French, Hebert, Lefavour, Lessard, Osgood, Tripp and Voll.

SULLIVAN: Brodeur, Burrows, D'Amante, LeBrun, Palmer and Spaulding, and the motion passed.

Resolution adopted.

Reps. Richard Hanson, Spaulding and Glyneta Thomson notified the clerk that they inadvertently voted nay and wished to vote yea.

Rep. Ernest Valliere wished to be recorded in favor of the motion, inexpedient to legislate.

HB 332, requiring records relative to meals and rooms tax to be kept by each operator for a 3 year period. Ought to Pass. Rep. Quimby for Ways and Means.

Requested by Revenue Department. Brings period for keeping books into conformity with statute of limitations. Ordered to third reading.

HB 333, providing a penalty for operating a restaurant or hotel after suspension of license for failure to pay meals and rooms taxes. Ought to Pass. Rep. McLane for Ways and Means.

Requested by Department of Revenue Administration. Attorney General's office testified that this bill would cut down on litigation because a fine and conviction would deter non-compliance. Committee unanimous. Ordered to third reading.

HB 338, relative to fiscal year taxpayers. Ought to Pass. Rep. McLane for Ways and Means.

The Department of Revenue Administration favored this bill, citing ease of filing to taxpayers that are principally trusts and estates with differing calendar years. It will allow the Revenue Department to check all such returns against the corresponding federal returns. Committee unanimous. Ordered to third reading.

HB 367, relative to filing requirements and late payment penalties of the business profits tax. Ought to Pass. Rep. Peters for Ways and Means.

Requested by the Department of Revenue Administration. This bill will correct an error in the RSA's and standardize the interest rate at 1 per cent a month and standardize the filing dates. Unanimous Committee vote.

Ordered to third reading.

HB 368, relative to the business profits tax deduction for personal services. Inexpedient to Legislate. Rep. McLane for Ways and Means.

Bill withdrawn by sponsor because it appeared to be unconstitutional. Will be replaced by another approach to tightening up the Business Profits tax, as it applies to proprietorships and partnerships. Unanimous report. Resolution adopted.

HB 423, relative to penalties for filing a late return under the business profits tax. Inexpedient to Legislate. Rep. Peters for Ways and Means.

The Department of Revenue Administration is opposed to this bill. To change the present method of filing would cost the department an enormous sum. The alternatives of extension and abatement for reasonable cause exist to aid the taxpayer as well as a limited fine of \$50.00 maximum. Committee vote was unanimous 18 - 0.

Resolution adopted.

The Subcommittee on Resolution and Screening having approved its admittance, Reps. Roderick O'Connor and Eugene Daniell offered the following:

HOUSE CONCURRENT RESOLUTION NO. 4  
memorializing the governor and council  
to reappoint Major W. Wheelock  
as Superintendent of New  
Hampshire hospital.

WHEREAS, the term of office for Major Wheelock as superintendent of New Hampshire hospital terminated on March 14, 1977; and

WHEREAS, the New Hampshire hospital was unaccredited when he assumed the position of Superintendent on March 14, 1973; and

WHEREAS, he has through diligence, hard work and expertise attempted to transform the New Hampshire hospital into a viable state institution; and

WHEREAS, he has attracted competent professional staff to serve at the hospital; and

WHEREAS, it appears from the governor's public announcements that he will not reappoint Major Wheelock; and

WHEREAS, the General Court feels that qualified, competent persons such as Major Wheelock should be retained in state service; now, therefore, be it

RESOLVED by the House of Representatives, the Senate concurring;

That the General Court strongly urges the governor and council to reappoint Major Wheelock as Superintendent of New Hampshire hospital.

The Assistant Clerk read the resolution in full.

Reps. Coburn, Eugene Daniell, Nighswander, Griffin and Roderick O'Connor spoke in favor of the resolution.

Reps. Chandler and Bridges spoke against the resolution.

Rep. Lyons spoke to the resolution.

A roll call was requested.

Sufficiently seconded.

(Speaker Presiding)

YEAS 255 NAYS 98

YEAS 255

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Goyette, Michael Hanson, Hildreth, Lawton, Mansfield, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen and Claflin.

CHESHIRE: Callahan, Chase, Dostilio, Daniel Eaton, Galloway, Anne Gordon, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggan.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Copenhaver, Cornelius, Crory, Gemmill, Hough, LaMott, Logan, Neil McIver, Stomberg, Taffe, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Brody, Carswell, Coburn, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Arline Dion, L. Penny Dion, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Sal Grasso, Cort Hanson, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Lachance, LaFleur, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Martineau, McGlynn, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neill, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Podles, Record, Seamans, Sing, Edward Smith, Leonard Smith, Soucy, Stahl, Francis Sullivan, Van Loan, Wallace, Wallin, Welch, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Pelton, Plourde, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Doris Thompson, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Robert Day, Dunfey, Flanagan, Carl Gage, Ganley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kashulines, King, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Lefavour, Lessard, Maglaras, Maloomian, Morrisette, Rod O'Connor, Osgood, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Allen Wilson, D'Amante, Gray, LeBrun, Palmer, Spaulding, Sara Townsend and Tucker.

NAYS 98

BELKNAP: Marshall French, Marsh, Morin and James Murray.

CARROLL: Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Faucher, Fillback, Irvin  
Gordon, Hogan and Elmer Johnson.

COOS: Huggins, Keough, Mabel Richardson  
and York.

GRAFTON: Aldrich, Ira Allen, Buckman,  
George Cate, Clark, Dearborn, Duhaime,  
Myrl Eaton, Mann, McAvoy, Pepitone,  
Rounds, Snell, Taylor and Glyneta Thomson.

HILLSBOROUGH: Baker, Barrett, Bednar,  
Bridges, Burke, Joseph Cote, William  
Desmarais, Drewniak, Dupont, Clyde Eaton,  
Granger, Heald, Karnis, Knight, Marcoux,  
Timothy O'Connor, Arnold Perkins, Polak,  
Quigley, Henry Richardson, Paul Riley,  
Styllanos, Sweeney, Harold Thomson and  
Geraldine Watson.

MERRIMACK: Ayles, Bibbo, Laurent Boucher,  
Chandler, Arthur Perkins, Pratt, Shepard,  
Stockman and Waters.

ROCKINGHAM: Barka, William Boucher,  
Cummings, Cunningham, Cutliffe, DeCesare,  
Erler, Felch, Beverly Gage, Goff, Lovejoy,  
Joseph McEachern, Nelson, Norton, Scamman,  
Schwaner, Skinner and Wolfesen.

STRAFFORD: Canney, Joncas, Kincaid,  
Nadeau and Preston.

SULLIVAN: Burrows, Ingram, Lewko, Scott  
and George Wiggins, and the resolution was  
adopted.

#### SUSPENSION OF RULES

Rep. Tucker moved that the rules be so  
far suspended as to permit the House to  
consider a committee report not previously  
advertised in the Calendar on HB 369,  
extending certain capital appropriations,  
and spoke to his motion.

Adopted by the necessary two-thirds.

#### COMMITTEE REPORT

HB 369, extending certain capital  
appropriations.

HB 369 extends the lapse dates of  
capital projects which were passed in  
1974 and 1975 to allow the necessary  
time for completion and payment of  
accounts. Ought to Pass. Rep. Tucker  
for Appropriations.

#### Amendment

Amend the bill by striking out section  
3 and inserting in place thereof the  
following:

3 Appropriation Extended. Amend  
1974, 38:1, V, (c), (6), B as amended by  
2976, 55:2 by striking out said item and  
inserting in place thereof the following:

B. Reconstruction and renovation  
of Tobey building complete:

Construction	833,400**
Contingencies	100,000**
Equipment	183,000**

\*These appropriations shall not  
lapse until September 30, 1977.

Question being on the committee  
amendment.

Rep. Tucker explained the committee  
amendment.

Amendment adopted.

Ordered to third reading.

The Subcommittee on Resolutions and  
Screening having approved its admittance,  
Rep. Marshall French offered the following:

#### HOUSE RESOLUTION NO. 19

RESOLVED, that no LSR filed as of  
this date for introduction into the House  
will be drafted unless all information  
required to permit it to be drafted is  
filed by the sponsor or sponsors with the  
Office of Legislative Services on or  
before March 31 at 5:00 p.m.

The Assistant Clerk read the  
resolution in full.

Adopted.

Rep. Marshall French moved that the  
House now adjourn from the early session,  
that the business of the late session be  
in order at the present time, that the  
reading of bills be by title only and  
resolutions by caption only and that all  
bills ordered to third reading be read a  
third time by this resolution, and that  
all titles of bills be the same as  
adopted, and that they be passed at the  
present time, and when the House adjourns  
today it be in honor of St. Patrick and  
his fellow patriots, to meet Tuesday,  
March 22 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 330, relating to the  
reclassification of certain highways in  
the town of Ossipee.

HB 362, authorizing the use of  
highway funds for the functional  
replacement of land and improvements  
required for highway purposes.

HB 363, relative to the notices  
required for the layout of class I and II  
highways.

HB 373, relative to state maintenance  
of the road leading to the Bedell covered  
bridge.

SB 44, relative to the financial  
security of horse and dog race licensees.

HB 475, providing for payment of a  
claim to Charles R. Sargent of Laconia and  
making an appropriation therefor.

HB 242, restricting the horsepower of  
motorboats operating upon White Oak pond  
in Holderness.

HB 332, requiring records relative to  
meals and rooms tax to be kept by each  
operator for a 3 year period.

HB 333, providing a penalty for  
operating a restaurant or hotel after  
suspension of license for failure to pay  
meals and rooms taxes.

HB 338, relative to fiscal year  
taxpayers.

HB 367, relative to filing  
requirements and later payment penalties  
of the business profits tax.

HB 369, extending certain capital  
appropriations.

## REFERRAL TO COMMITTEE

HB 591, providing for the restructuring of the Hooksett liquor stores and making an appropriation therefor and repealing the authorization for an addition to the Concord store. (Public Works)

HB 600, relative to the importation of dogs and cats into the state and the sale of same. (Municipal and County Government)

## RECONSIDERATIONS

Rep. Stimmell moved that the House reconsider its action whereby it killed HB 180, relative to limits on commercial trapping and spoke against the motion. Reconsideration lost.

Rep. McLane moved that the House reconsider its action whereby it killed HB 423, relative to penalties for filing a late return under the business profits tax and spoke in favor of the motion. Reconsideration carried.

Rep. McLane moved that HB 423 be made a special order for Tuesday next. Adopted.

## RECONSIDERATION

Rep. Ward moved that the House reconsider its action whereby it killed HB 253, relative to discount on the tobacco stamp tax, and spoke against the motion.

Rep. Parr spoke in favor of the motion.

Reconsideration lost.

358 members were recorded as present

Reps. Ahern, Barrett, Brody, Burke, Callahan, Canney, Clancy, Mark Connolly, Cooney, Connors, Coughlin, Cullity, Foley, Galloway, Ganley, Daniel Healy, Hogan, Horrigan, Thomas Hynes, Kane, Kelly, Keough, Lyons, Lynch, Madigan, McDonough, McGlynn, McLaughlin, Mullin, Kerry O'Connor, Roderick O'Connor, Timothy O'Connor, O'Keefe, O'Neil, Orcutt, Quigley, Doris Riley, Paul Riley, Russell, Shea, Kevin Sullivan, Francis Sullivan, Sweeney, Welch, Cecelia Winn and John Winn moved that the House adjourn.

Adopted.

The House adjourned at 3:33 p.m.



# HOUSE JOURNAL 19

*Tuesday, 22 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Greetings Lord! Glad You are around to call upon. Sorry we don't do it as often as we should, for our sake. We need You. We open up the doors and windows of our lives and receive You as God of all. Thank You for loving and accepting us and for the gift of Life. Take control of the control centers of our lives and make us the kind of persons that You want us to be. This is the desire of our hearts and the hope of the world. Amen!

In honor of National Society of DAR State Conference in session today in Concord, Rep. Voll led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Burrows, Anthony Randall, Frizzell, Forsaith Daniels, Meader, Hartford, John Winn, Cecelia Winn, Desnoyer and Simard, the day, illness.

Reps. Zabarsky, Cunningham, Kaklamanos, Taffe, Pappas, Slack, Grieco, Emma Wheeler, Aubut, Lynch and Kerry O'Connor, the day, important business.

## INTRODUCTION OF GUESTS

Judy White and Cindy Berliner, and Mrs. Patricia Berliner of Hopkinton, guests of Rep. Shepard; Therese Rounds, daughter and guest of Rep. Rounds; Miss Kristen Themelis, student of the University of New Hampshire, guest of Rep. Giroliman; Dr. George Lynch, Fish and Game Commissioner from Sullivan County, guest of Rep. George Wiggins; twelve students from the Civics classes at Pinkerton Academy and their instructor, Mark Aldrich, son of Rep. Aldrich, guests of Reps. Aldrich, Barka, Bisbee, Gould, Kashulines, Quimby and Skinner.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 686 through 744 and CACR 12 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS

First, second reading and referral  
HB 686, relative to the duties of persons involved with vital statistics. (Kelly of Strafford Dist. 19; J. Herche of Strafford Dist. 16 - To Executive Departments and Administration)

HB 687, amending certain statutes relative to vital statistics. (Kelly of Strafford Dist. 19; White of Strafford Dist. 8 - To Executive Departments and Administration)

HB 688, relative to trust company director's stock holdings. (Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs).

HB 689, relative to town funds on deposit in any one bank. (Boucher of Rockingham Dist. 3; Day of Rockingham Dist. 3 - To Municipal and County Government)

HB 690, revising RSA 483-A relative to dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, sets forth a filing fee, repealing RSA 431 relative to swamplands; and modifying the composition of the wetlands board. (Taylor of Grafton Dist. 9; Campbell of Rockingham Dist. 5; Conley of Carroll Dist. 3 - To Resources, Recreation and Development)

HB 691, relative to a program for special education. (Chambers of Grafton Dist. 13; Krasker of Rockingham Dist. 22; Boucher of Rockingham Dist. 3; Griffin of Rockingham Dist. 19; Conley of Carroll Dist. 3; Spiro of Hillsborough Dist. 27; French of Belknap Dist. 1; Roberts of Belknap Dist. 4 - To Education)

HB 692, changing the age for transportation of pupils in public schools. (Hildreth of Belknap Dist. 6, for Department of Education - To Education)

HB 693, requiring a transferee to deliver a certificate of title to the director of the division of motor vehicles. (Hildreth of Belknap Dist. 6, for Department of Safety - To Transportation)

HB 694, relative to the waiving of rights. (Cote of Hillsborough Dist. 28 - To Judiciary)

HB 695, naming the Robert H. Whitaker highway. (Daniels of Hillsborough Dist. 25; Marshala of Cheshire Dist. 5; Desnoyer of Sullivan Dist. 4; Cummings of Rockingham Dist. 7; Coburn of Hillsborough Dist. 11; Fortier of Coos Dist. 6 - To Public Works)

HB 696, eliminating the requirement of advertising a lost passbook. (Kidd of Merrimack Dist. 1; Boucher of Merrimack Dist. 6 - To Commerce and Consumer Affairs)

HB 697, relative to the payment for mileage to employees of the office of legislative services. (O'Keefe of Rockingham Dist. 21 - To Legislative Administration)

HB 698, relative to the board of taxation holding hearings on questions of taxation in the various counties at the request of the selectmen or assessors or the taxpayer. (White of Hillsborough Dist. 27 - To Municipal and County Government)

HB 699, providing a referendum in certain cities or towns to limit the number of beverage permits or licenses to sell liquor. (Voll of Strafford Dist. 4 - To Regulated Revenues)

HB 700, extending the time a real estate salesman may not be associated with a broker without losing his license. (Pappas of Hillsborough Dist. 18; Kaklamanos of Hillsborough Dist. 21 - To Commerce and Consumer Affairs)

HB 701, relative to the terms of office of the Rockingham county commissioners. (Skinner of Rockingham Dist. 3-A; Boucher of Rockingham Dist. 3; Cunningham of Rockingham Dist. 12 - To Municipal and County Government)

HB 702, relative to vicious dogs or dogs as a nuisance. (Callahan of Cheshire Dist. 2; Packard of Merrimack Dist. 4; Hanson of Merrimack Dist. 5; Kidder of Merrimack Dist. 1 - To Municipal and County Government)

HB 703, establishing a dog control law. (Cunningham of Rockingham Dist. 12; Splaine of Rockingham Dist. 19; Packard of Merrimack Dist. 4; Callahan of Cheshire Dist. 2; Hanson of Merrimack Dist. 5; Kidder of Merrimack Dist. 1 - To Municipal and County Government)

HB 704, legalizing the Hanover town meeting. (Copenhaver of Grafton Dist. 13; Chambers of Grafton Dist. 13; Crory of Grafton Dist. 13; Cornelius of Grafton Dist. 13 - To Municipal and County Government)

HB 705, allowing the entry of not guilty pleas at probable cause hearings in certain cases. (Dunfey of Rockingham Dist. 12 - To Judiciary)

HB 706, relative to the presentation of evidence in drug cases. (Dunfey of Rockingham Dist. 12 - To Judiciary)

HB 707, prohibiting the ownership of racing greyhound by certain individuals. (Parr of Rockingham Dist. 12; Sen. Fennelly of Dist. 21; Wallin of Hillsborough Dist. 16; Coutermarsh of Hillsborough Dist. 24; Donnelly of Strafford Dist. 17 - To Regulated Revenues)

HB 708, including an osteopathic physician on the board of registration in medicine. (Spaulding of Sullivan Dist. 4 - To Health and Welfare)

HB 709, establishing a board of examiners of speech pathology and audiology and to certify speech pathologists and audiologists. (Griffin of Rockingham Dist. 19 - To Health and Welfare)

HB 710, relative to the payment of legal fees in appeals against the department of employment security; and increasing the appeal period. (Spirou of Hillsborough Dist. 27; Wheeler of Hillsborough Dist. 8; Goyette of Belknap Dist. 6; McNichol of Merrimack Dist. 5; Cooney of Coos Dist. 8; Valliere of Merrimack Dist. 19 - To Labor, Human Resources and Rehabilitation)

HB 711, eliminating the requirement that town clerks send reports to certain state societies. (Townsend of Sullivan Dist. 1 - To Municipal and County Government)

HB 712, relative to the installation and use of telephones for volunteer fire departments. (Callahan of Cheshire Dist. 2 - To Science and Technology)

HB 713, amending the title of RSA 126. (Smith of Carroll Dist. 3 - To Executive Departments and Administration)

HB 714, amending article 8 of the uniform commercial code relative to the duty of an issuer to inquire into adverse claims. (Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 715, relative to no-fault divorce. (Niebling of Rockingham Dist. 13 - To Judiciary)

HB 716, relative to the basis for apportionment of the supervisory union budget. (Callahan of Cheshire Dist. 2 - To Education)

HB 717, relative to loan pay-back requirements for resident veterinary medical students. (McLane of Merrimack Dist. 16; Campbell of Rockingham Dist. 5 - To Education)

HB 718, relative to the permitted width of buses on state highways. (Kidder of Merrimack Dist. 1 - To Transportation)

HB 719, redefining the term "practical nursing" in the law relative to registered nurses and practical nurses. (Wiggins of Sullivan Dist. 8 - To Health and Welfare)

HB 720, increasing the penalty for operating an off highway recreational vehicle on a railroad right-of-way, airport runways and cemeteries. (Hoar of Rockingham Dist. 8; Hunt of Coos Dist. 2 - To Transportation)

HB 721, relative to the issuance of telephone numbers. (Murray of Belknap Dist. 5 - To Science and Technology)

HB 722, relative to custody of school district reserves. (Lynch of Cheshire Dist. 12 - To Education)

HB 723, eliminating the requirement of the residence of a candidate on the ballot. (Bridges of Hillsborough Dist. 12 - To Statutory Revision)

HB 724, prohibiting the posting of election advertising on highway rights-of-way. (Bridges of Hillsborough Dist. 12 - To Statutory Revision)

HB 725, removing the requirement for filing financial statements with town or city clerks. (Bridges of Hillsborough Dist. 12 - To Statutory Revision)

HB 726, relative to local approval for the development of any public airport. (Ganley of Rockingham Dist. 13; Chapman of Rockingham Dist. 15; Coutermarsh of Hillsborough Dist. 24 - To Transportation)

HB 727, redefining the term "way" as used in the motor vehicle laws. (Waters of Merrimack Dist. 9 - To Transportation)

HB 728, permitting a creditor to telephone a debtor at his place of employment twice a month under certain conditions. (Lamy of Hillsborough Dist. 35 - To Judiciary)

HB 729, extending the time certain towns have to meet the air pollution control act relative to burning refuse in an open pit. (Scamman of Rockingham Dist. 15; Richards of Rockingham Dist. 16; Sackett of Strafford Dist. 4 - To Environment and Agriculture)

HB 730, relative to the electricians' board. (Mansfield of Belknap Dist. 2 - To Executive Departments and Administration)

HB 731, relative to the packaging of ice cream. (McEachern of Rockingham Dist. 23 - To Commerce and Consumer Affairs)

HB 732, eliminating the permits and licenses issued for up to 4 consecutive months per licensing year. (Eaton of Cheshire Dist. 11 - To Regulated Revenues)

HB 733, relative to an inventory requirement for a grocery store to get an off-sale permit. (Eaton of Cheshire Dist. 11 - To Regulated Revenues)

HB 734, relative to taxing radio and television towers. (Perkins of Hillsborough Dist. 8; Sen. Monier of Dist. 9; Paradis of Hillsborough Dist. 8 - To Municipal and County Government)

HB 735, increasing unemployment compensation benefits. (Spirou of Hillsborough Dist. 27; Wheeler of Hillsborough Dist. 8; Goyette of Belknap Dist. 6; McNichol of Merrimack Dist. 5; Cooney of Coos Dist. 8; Valliere of Merrimack Dist. 19 - To Labor, Human Resources and Rehabilitation)

HB 736, relative to control of trust companies by other banking institutions. (Keough of Coos Dist. 5 - To Commerce and Consumer Affairs)

HB 737, including a United States passport as acceptable evidence when a naturalized citizen registers to vote. (Normand of Hillsborough Dist. 36; O'Neil of Hillsborough Dist. 32; LaPlante of Hillsborough Dist. 35; Soucy of Hillsborough Dist. 32; Bellemore of Hillsborough Dist. 34; Brack of Hillsborough Dist. 28 - To Statutory Revision)

HB 738, establishing a New Hampshire folklife center in the state library. (Taylor of Grafton Dist. 9; French of Strafford Dist. 21; McNichol of Merrimack Dist. 5; Smith of Carroll Dist. 3; Splaine of Rockingham Dist. 19; Bowler of Belknap Dist. 3 - To State Institution.)

HB 739, relative to control of explosives. (Bibbo of Merrimack Dist. 2; Humphrey of Merrimack Dist. 11 - To Executive Departments and Administration)

HB 740, relative to the use of emergency lights. (Gordon of Cheshire Dist. 8; Fillback of Cheshire Dist. 7; Whipple of Cheshire Dist. 4 - To Transportation)

HB 741, requiring complete fiscal responsibility in the decommissioning of nuclear facilities by operating utilities. (Bowler of Belknap Dist. 3; Nardi of Hillsborough Dist. 27; Ambrose of Belknap Dist. 1; Blakeney of Merrimack Dist. 17; Corser of Hillsborough Dist. 2; Copenhaver of Grafton Dist. 13; Head of Hillsborough Dist. 10; Horrigan of Strafford Dist. 4; Parr of Rockingham Dist. 12; O'Neil of Hillsborough Dist. 32; Smith of Hillsborough Dist. 14; Smith of Hillsborough Dist. 34 - To Science and Technology)

HB 742, to reclassify part of the Pennichuck brook and authorize use of the Merrimack river water in the Pennichuck water works system. (Keefe of Hillsborough Dist. 23 - To Resources, Recreation and Development)

HB 743, relative to the placement of a child alleged to be neglected, delinquent or a person in need of supervision.

(Cornelius of Grafton Dist. 13, for Department of Health and Welfare - To Health and Welfare)

HB 744, relative to the election of Belknap county commissioners. (Dionne of Belknap Dist. 6; Hanson of Belknap Dist. 5 - To Municipal and County Government)

CACR 12, relating to the use of deadly force in defense of person and property. Providing that all men may use deadly force in protecting their person and their property. (Cote of Hillsborough Dist. 28; Nadeau of Strafford Dist. 10; Ramsey of Strafford Dist. 13; Maglaras of Strafford Dist. 17 - To Constitutional Revision)

#### SENATE MESSAGES

##### CONCURRENCE

HB 5, relative to regulating the licensing of cosmetologists.

HB 90, limiting the availability to foreign partnerships of certain trade names.

HB 204, repealing RSA 312 relating to auctions of personal property.

HB 19, to reduce the mandatory period for impoundment of dogs and other animals and to increase pound fees.

HB 18, to require the operator of a motor vehicle to report an injury to a dog struck by his vehicle.

HB 86, relative to outdoor advertising control along state highways.

#### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 33, relative to the duties and responsibilities of the property appraisal division of the department of revenue administration.

SB 82, relative to the director of forest and lands and the director of parks.

SB 39, requiring the mailing of resident tax bills within 30 days of the receipt of the tax warrant by the tax collector.

#### ENROLLED BILLS REPORT

SB 44, relative to the financial security of horse and dog race licenses.  
HB 4, amending the hunting season for raccoons.

HB 5, relative to regulating the licensing of cosmetologists.

HB 18, to require the operator of a motor vehicle to report an injury to a dog struck by his vehicle.

HB 19, to reduce the mandatory period for impoundment of dogs and other animals and to increase the pound fees.

HB 32, relative to the duties of the director of mental health in regard to community mental health programs.

HB 86, relative to outdoor advertising control along state highways.

HB 90, limiting the availability to foreign partnerships of certain trade names.

HB 95, updating the cancer commission enabling act.



HB 105, relative to the revocation and suspension of hunting and fishing licenses pending appeal of conviction of fish and game regulation violation and the statutes relative to littering.

HB 121, relative to town officers' associations.

HB 192, relative to the taking of deer in the town of Auburn.

HB 204, repealing RSA 312 relating to auctions of personal property.

HB 241, repealing the requirement to print hydrophobia symptoms on dog licenses.

HB 138, defining bodies of water 10 acres or more for the purpose of trapping.

Rep. James J. White  
For the Committee.

#### SIX-DAY EXTENSIONS GRANTED

HB 282, placing a consumer on the commission of pharmacy and practical chemistry. (Commerce and Consumer Affairs)

CACR 9, relating to restrictions on highway fund expenditures. Providing that highway revenues may be used for the development of all modes of transportation. (Constitutional Revision)

HB 280, relative to ownership of certain unlicensed dogs and the penalty involved for not licensing a dog. (Municipal and County Government)

HB 287, relative to defining limited access highways in regulating OHRVs. (Transportation)

#### COMMITTEE REPORTS

The Speaker called for the Special Order:

HB 423, relative to penalties for filing a late return under the business profits tax. Inexpedient to Legislate. Rep. McLane for Ways and Means.

The Department of Revenue Administration is opposed to this bill. To change the present method of filing would cost the department an enormous sum. The alternatives of extension and abatement for reasonable cause exist to aid the taxpayer as well as a limited fine of \$50.00 maximum. Committee vote was unanimous 18 - 0.

Rep. James Murray requested a quorum count.

The Speaker declared a quorum present.

Rep. James Murray moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate and spoke to his motion.

Reps. Barka and Wallin spoke against the motion.

Rep. Plourde spoke in favor of the motion.

Rep. Wallin moved that HB 423 be recommitted to the committee on Ways and Means and spoke to her motion.

Reps. James Murray, Stratton and Clark spoke against the motion.

Reps. Marshall French and Barka spoke in favor of the motion.

Rep. Hogan moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Question being on the motion to substitute, ought to pass, for committee report, inexpedient to legislate.

A roll call was requested. Sufficiently seconded.

Rep. Hebert abstained from voting under Rule 16.

(Speaker presiding)

YEAS 171 NAYS 168

YEAS 171

BELKNAP: Beard, Bowler, Goyette, Lawton, Marsh, James Murray, Sabbow, and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald, and Kenneth Smith.

CHESHIRE: Dostilio, Daniel Eaton, Galloway, Irvin Gordon, Hogan, Krause, Ladd, Matson, Parker, Proctor, Margaret Ramsey, Terry, Whipple and Terry Wiggan.

COOS: Burns, Cooney, Fortier, Huggins, Hunt, George Lemire, Oleson, Poulin, Willey and York.

GRAFTON: Ira Allen, Buckman, Chambers, Clark, Dearborn, Gemmill, Neil McIver, Snell, Stomberg and Glyneta Thomson.

HILLSBOROUGH: Ainley, Baker, Belanger, Bernier, Roland Boucher, Bridges, Carswell, Mark Connolly, Corser, Joseph Cote, Coughlin, Coutermarsh, Cullity, Arline Dion, Drewniak, Gabrielle Gagnon, Gelinas, Girolimon, Sal Grasso, Cort Hansen, Heald, Lachance, Lamy, Levesque, Lyons, Marcoux, Martineau, McDonough, McGlynn, Morrison, Fred Murray, Normand, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Record, Henry Richardson, Sing, Spirou, St. George, Stylianos, Kevin Sullivan, Harold Thomson, Wallace, Geraldine Watson, Welch, Robert Wheeler, James J. White, and Ziakas.

MERRIMACK: Ayles, Bibbo, Bodi, Laurent Boucher, Carroll, Milton Cate, Gamache, Richard Hanson, Donna MacIvor, McNichol, Mullin, Plourde, Pratt, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters and Robert Watson.

ROCKINGHAM: Akerman, Carpenito, Collins, Connors, Cotton, Cummings, Cutliffe, Danforth, Erler, Felch, Beverly Gage, Carl Gage, Goff, Griffin, Kashulines, King, Lovejoy, Joseph MacDonald, Nelson, O'Keefe, Pucci, Richards, Rogers, Sanborn, Scamman, Skinner, Stimmell, Stratton and Tavitian.

STRAFFORD: Appleby, Burchell, Canney, Charles Grassie, Joos, Kincaid, Maglaras, Morrisette, Nadeau, Rod O'Connor, Preston, Dennis Ramsey and Shirley White.



SULLIVAN: D'Amante, Ingram, LeBrun, Palmer and Scott.

## NAYS 168

BELKNAP: Ambrose, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Morin and Kenneth Randall.

CARROLL: Howard and Towle.

CHESHIRE: Chase, Close, Faucher, Fillback, Anne Gordon, Elmer Johnson, Marshala, Moore, Russell, Scranton and Vrakatitsis.

COOS: Bradley Haynes, Horton, Patenaude, Mabel Richardson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Aldrich, George Cate, Copenhaver, Cornelius, Crory, Duhaime, Myrl Eaton, Hough, Logan, Mann, McAvoy, Pepitone, Rounds, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Barrett, Bednar, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Vrack, Brody, Burke, Coburn, Margaret Cote, Catherine-Ann Day, William Desmarais, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, Head, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, LaFleur, LaPlante, Madigan, Martin, Morgan, Nemzoff-Berman, Tomothy O'Connor, O'Neil, Paradis, Peters, Paul Riley, Seamans, Edward Smith, Leonard Smith, Stahl, Francis Sullivan, Van Loan, Wallin and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, John Cate, Chandler, Eugene Daniell, Foley, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Packard, Pelton, Arthur Perkins, Ralph and Rice.

ROCKINGHAM: Aeschliman, Aller, Appel, Barka, Bisbee, Blake, Blanchette, William Boucher, Campbell, Davis, Robert Day, Dunfey, Flanagan, Ganley, Gaskill, Gould, Greene, Hoar, Krasker, Laycock, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, Parolise, Parr, Quimby, Schwaner, Alfreda Smith, Vlack, Webster, Helen Wilson, Wojnowski and Wolfsen.

STRAFFORD: Belhumeur, Walter Desmarais, Donnelly, Bruce French, Dianne Herchek, James Herchek, Horrigan, Kelly, Lefavour, Lessard, Osgood, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Allen Wilson, Brodeur, Gray, Lewko, Lucas, Sara Townsend, Tucker and George Wiggins and the motion to substitute carried.

Question being on the substituted committee report, ought to pass.

On a voice vote the Speaker was in doubt and requested a roll call. Sufficiently seconded.

Rep. Hebert abstained from voting under Rule 16.

(Speaker presiding)

YEAS 182 NAYS 161

YEAS 182

BELKNAP: Beard, Bowler, Goyette, Lawton, Mansfield, Marsh, Morin, James Murray, Sallow and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson, Pound, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Dostilio, Daniel Eaton, Galloway, Irvin Gordon, Hogan, Krause, Ladd, Matson, Parker, Proctor, Margaret Ramsay, Terry, Vrakatitsis and Terry Wigin.

COOS: Burns, Cooney, Fortier, Huggins, Hunt, George Lemire, Oleson, Poulin, Mabel Richardson, Willey and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Chambers, Clark, Dearborn, Myrl Eaton, Gemmill, Mann, Neil McIvor, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Ainley, Baker, Barrett, Belanger, Bernier, Roland Boucher, Brack, Bridges, Carswell, Mark Connolly, Corser, Joseph Cote, Coutermarsh, Cullity, William Desmarais, Arline Dion, Dreniak, Dupont, Gagnon Gabrielle, Gelinas, Girolimon, Sal Grasso, Cort Hansen, Heald, Lachance, Lamy, Levesque, Lyons, Marcoux, Martineau, McDonough, McGlynn, McLaughlin, Morrison, Normand, Timothy O'Connor, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Record, Henry Richardson, Sing, Leonard Smith, Spirou, St. George, Stylianos, Kevin Sullivan, Geraldine Watson, Welch, Robert Wheeler, James J. White and Ziakas.

MERRIMACK: Ayles, Bibbo, Bodi, Laurent Boucher, Carroll, Milton Cate, Richard Hanson, Donna MacIvor, McNichol, Mullin, Plourde, Pratt, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters and Robert Watson.

ROCKINGHAM: Akerman, Carpenito, Connors, Cotton, Cummings, Danforth, Robert Day, Erler, Felch, Beverly Gage, Carl Gage, Goff, Griffin, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Joseph McEachern, Nelson, O'Keefe, Pucci, Rogers, Rossley, Sanborn, Scamman, Skinner, Stimmell, Stratton and Tavitian.

STRAFFORD: Appleby, Burchell, Canney, Charles Grassie, Joos, Kincaid, Maglaras, Morrisette, Nadeau, Rod O'Connor, Preston, Dennis Ramsey, Tripp and Shirley White.

SULLIVAN: Allen Wilson, D'Amante, Gray, Ingram LeBrun, Palmer and Scott.

## NAYS 161

**BELKNAP:** Ambrose, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Nighswander and Kenneth Randall.

**CARROLL:** Raymond Conley, Howard and Towle.

**CHESHIRE:** Chase, Close, Faucher, Fillback, Anne Gordon, Elmer Johnson, Marshala, Moore, Russell, Scranton and Whipple.

**COOS:** Bradley Haynes, Horton, Patenaude, Theriault, Alcide Valliere and Wiswell.

**GRAFTON:** George Cate, Copenhaver, Cornelius, Crory, Duhaime, Hough, Logan, McAvoy, Rounds, Stomberg, Taylor, Madeline Townsend, Ward and Michael Woodard.

**HILLSBOROUGH:** Ahern, Bednar, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Brody, Burke, Coburn, Margaret Cote, Coughlin, Catherine-Ann Day, L. Penny Dion, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, Head, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, LaFleur, LaPlante, Madigan, Martin, Morgan, Fred Murray, Nemzoff-Berman, O'Neil, Paradis, Peters, Paul Riley, Seamans, Edward Smith, Stahl, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Wallin and M. Arnold Wight.

**MERRIMACK:** Bellerose, Blakeney, John Cate, Chandler, Eugene Daniell, Foley, Camache, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Packard, Pelton, Arthur Perkins, Ralph and Rice.

**ROCKINGHAM:** Aeschliman, Aller, Appel, Barka, Bisbee, Blake, Blanchette, William Boucher, Campbell, Collins, Cutcliffe, Davis, Dunfey, Flanagan, Ganley, Gaskill, Gould, Greene, Hoar, Krasker, Maynard, Donna McEachern, Niebling, Norton, Parolise, Parr, Quimby, Richards, Swaner, Alfreda Smith, Vlack, Webster, Helen Wilson, Wojnowski and Wolfesen.

**STRAFFORD:** Belhumeur, Walter Desmarais, Donnelly, Bruce French, Dianne Herchek, James Herchek, Horriagan, Kelly, Lefavour, Lessard, Osgood, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley and Voll.

**SULLIVAN:** Brodeur, Lewko, Lucas, Sara Townsend, Tucker and George Wiggins and HB 423 was ordered to third reading."

COMMITTEE REPORTS  
(Regular Calendar)

HB 308, relative to the employee discount utilized by electric utilities. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

It is believed this legislation is not necessary as the companies recognize the theoretical inequity. The possible reduction of one to five cents per month in an average residential bill is a rather small

item. The method of equalizing "in direct proportion to each class's consumption of kilowatt hours," would require a very complex cost distribution formula. Impossible to redesign rate structure in 60 days.

Rep. Proctor moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke to her motion.

Reps. Burns, Morgan and Flourde spoke against the motion.

Reps. Leonard Smith, Eugene Daniell and Crory spoke in favor of the motion.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Erler, Sackett, Lyons and Hunt abstained from voting under Rule 16.

(Speaker presiding)  
YEAS 227 NAYS 116  
YEAS 227

**BELKNAP:** Ambrose, Bowler, Gary Dionne, Goyette, Michael Hanson, Hildreth, Marsh, James Murray, Nighswander, Kenneth Randall and Sanders.

**CARROLL:** Roderick Allen, Raymond Conley, Kenneth MacDonald and Kenneth Smith.

**CHESHIRE:** Chase, Dostilio, Daniel Eaton, Faucher, Fillback, Irvin Gordon, Krause, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Terry, Vrakatisis and Terry Wiggins.

**COOS:** Cooney, Bradley Haynes, Horton, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

**GRAFTON:** Chambers, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Gemmill, Hough, McAvoy, Neil McIver, Rounds, Stomberg, Taylor, Glyneta Thomson, Ward and Michael Woodard.

**HILLSBOROUGH:** Ainley, Albert Bellemore, Bernier, Emile Boisvert Bosse, Roland Boucher, Brack, Bridges, Brody, Carswell, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Catherine-Ann Day, Arline Dion, L. Penny Dion, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Keefe, LaFleur, LaPlante, Levesque, Marcoux, Martin, Martineau, McGlynn, McLaughlin, Morrison, Nemzoff-Berman, Normand, O'Neil, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Sing, Edward Smith, Leonard Smith, Spirou, St. George, Stahl, Kevin Sullivan, Harold Thomson, Wallace, Wallin, Welch, Robert Wheeler, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Bibbo, Blakeney, Bodi, Laurent Boucher, Eugene Daniell, Gamache, Hess, Polly Johnson, LaBonte, Donna MacIvor, McLane, McNichol, Packard, Pelton, Pratt, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Appel, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cutcliffe, Danforth, Dunfey, Felch, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Greene, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, O'Keefe, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Schwaner, Skinner, Alfreda Smith, Splaine and Wojnowski.

STRAFFORD: Burchell, Canney, Walter Desmarais, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Horrigan Joos, Kelly, Kincaid, Maglaras, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Allen Wilson, Brodeur, D'Amante, Gray, Ingram, LeBrun, Lewko, Lucas, Palmer and Tucker.

#### NAYS 116

BELKNAP: Beard, Marshall French, Lawton, Mansfield, Morin and Sabbow.

CARROLL: Claflin, Dickinson, Found, Howard, Keller and Towle.

CHESHIRE: Galloway, Anne Gordon, Hogan, Elmer Johnson, Ladd, Parker, Scranton and Whipple.

COOS: Burns, Fortier, Huggins and George Lemire.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Myrl Eaton, LaMott, Logan, Mann, Pepitone, Snell and Madeline Townsend.

HILLSBOROUGH: Ahern, Baker, Bednar, Belanger, Wilfrid Boisvert, Burke, Cullity, William Desmarais, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Heald, Howard Humphrey, Thomas Hynes, Karnis, Knight, Lachance, Lamy, Madigan, Morgan, Fred Murray, Timothy O'Connor, Paradis, Stylianose, Francis Sullivan, Van Loan and Geraldine Watson.

MERRIMACK: Ayles, Bellerose, Carroll, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, James Humphrey, Kidder, Mullin, Arthur Perkins, Plourde, Shepard, Stefanides, Stockman, Tarr and Doris Thompson.

ROCKINGHAM: Aller, Barka, Bisbee, Chapman, Davis, Robert Day, Flanagan, Gould, Griffin, Hoar, King, Norton,

Sanborn, Scamman, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson and Wolfsten.

STRAFFORD: Appleby, Belhumeur, Donnelly, Hebert, Lefavour, Osgood, Preston and Tripp.

SULLIVAN: Scott, Spaulding, Sara Townsend and George Wiggins and the motion to substitute carried.

Question being on the substituted committee report, ought to pass.

Adopted.

Ordered to third reading.

CACR 11, relating to qualifications of senators and councilors. Providing that the minimum age for a senator be reduced to 25 and the residency requirement be reduced to 5 years. Inexpedient to Legislate. Rep. Joncas for Constitutional Revision.

The committee by an 8 to 3 vote felt that it was not appropriate to bring this issue to the voters before a similar proposal appears on a constitutional referendum in 1980.

Rep. Marshall French moved that debate on CACR 11 be limited to thirty minutes equally divided.

Adopted.

Rep. Maglaras moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

Reps. Maglaras, Foley, Lucas, Lyons, Aller and Spirou spoke in favor of the motion.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

Question being on the motion to substitute, ought to pass with amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 225 NAYS 108

YEAS 225

BELKNAP: Ambrose, Beard, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Marsh, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson and Found.

CHESHIRE: Chase, Dostilio, Daniel Eaton, Fillback, Irvin Gordon, Hogan, Krause, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Horton, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Gemmill, Hough, LaMott, Logan, Neil McIver, Pepitone, Rounds, Stomberg, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Albert Bellemore, Bernier, Bosse, Roland Boucher, Brack, Brody, Burke, Colson, Mark Connolly, Corser, Margaret Cote, Coutermarsh, Catherine-Ann Day, William Desmarais, Arline Dion, Drewniak, Joseph Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Daniel Healy, Howard Humphrey, Keefe, Knight, LaFleur, Lyons, Madigan, Marcoux, Martin, McGlynn, Morrison, Fred Murray, Nemzoff-Berman, Normand, Timothy O'Connor O'Neil, Peters, Plomaritis, Seamans, Sing, Edward Smith, Leonard Smith, Soucy, Sprou, St. George, Stahl, Kevin Sullivan, Harold Thomson, Wallace, Geraldine Watson, Welch, Robert Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Bibbo, Blakeney, Bodi, Carroll, John Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Kidder, LaBonte, Donna MacIvor, McLane, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Pratt, Ralph, Rice, Rich, Stefanides, Tarr, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Appel, Barka, Blake, Blanchette, Campbell, Carpenito, Chapman, Collins, Connors, Cummings, Robert Day, Dunfee, Beverly Gage, Carl Gage, Canley, Gaskill, Goff, Gould, Greene, Kashulines, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Norton, O'Keefe, Pucci, Quimby, Rogers, Rossley, Sanborn, Scamman, Alfreda Smith, Splaine, Stimmell, Vlack and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Kelly, Kincaid, Lessard, Maglaras, Morrisette, Nadeau, Rod O'Connor, Osgood, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Allen Wilson, Gray, Ingram, Lewko, Lucas and Palmer.

#### NAYS 108

BELKNAP: Bowler, Lawton and Mansfield.

CARROLL: Raymond Conley, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Faucher, Galloway, Anne Gordon, Elmer Johnson, Ladd and Moore.

COOS: Burns, Fortier, Huggins and Hunt.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, Duhaime, Myrl Eaton, Mann, McAvoy, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Baker, Bednar, Belanger, Carswell, Coburn, Joseph Cote, Cullity, L. Penny Dion, Dupont, Clyde Eaton, Gabrielle Gagnon, Heald, Thomas Hynes, Karnis, Lachance, LaPlante, Levesque, Martineau, Morgan, Pelletier, Arnold Perkins, Podles, Polak, Henry Richardson, Paul Riley, Stylianos, Francis Sullivan, Van Loan and Wallin.

MERRIMACK: Ayles, Bellerose, Laurent Boucher, Milton Cate, Chandler, Hess, Polly Johnson, McNichol, Doris Riley, Shepard, Gerald Smith, Stockman and Doris Thompson.

ROCKINGHAM: Akerman, Bisbee, Cutcliffe, Danforth, Davis, Erler, Felch, Flanagan, Griffin, Hoar, King, Lovejoy, Niebling, Parolise, Parr, Richards, Schwaner, Skinner, Tavitian, Webster, Helen Wilson and Wolfson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Joos and Preston.

SULLIVAN: Brodeur, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion to substitute carried.

#### Amendment

Amend the title of the resolution by striking out same and inserting in place thereof the following:

Concurrent Resolution proposing Constitutional amendments relating to: Qualifications of Senators and Councilors. Providing that: The minimum age for a Senator be reduced to 25.

Amend the resolution by striking out paragraph I and inserting in place thereof the following:

I. Resolved, That Article 29 of Part Second of the Constitution of New Hampshire be amended by striking out in line 3 the word "thirty" and inserting in place thereof the following (25) so that said article as amended shall read as follows:

(Art.) 29th. (Qualifications of Senators.) Provided nevertheless, that no person shall be ~~capable of~~ being elected a senator, who is not of the age of 25 years, and who shall not have been an inhabitant of this state for 7 years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen. Should such person, after election, cease to be an inhabitant of the district for which he was chosen, he shall be disqualified to hold said position and a vacancy shall be declared therein.

The Assistant Clerk read the amendment in full.

Amendment adopted.

Question being on the substituted committee report, ought to pass with amendment, a roll call was requested. Sufficiently seconded.



(Speaker presiding)  
YEAS 233 NAYS 104  
YEAS 233

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Coyette, Michael Hanson, Hildreth, Marsh, Morin, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson and Found.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Irvin Gordon, Hogan, Krause, Ladd, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Whipple and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Horton, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Gemmill, Hough, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Stomberg, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Albert Bellemore, Bernier, Bosse, Roland Boucher, Brack, Brody, Burke, Colson, Mark Connolly, Corser, Margaret Cote, Coutermarsh, Catherine-Ann Day, William Desmarais, Arline Dion, Drewniak, Joseph Eaton, Nancy Gagnon, Gelinis, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Daniel Healy, Howard Humphrey, Thomas Hynes, Keefe, Knight, Lachance, LaFleur, Lyons, Madigan, Marcoux, Martin, McGlynn, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Normand, Timothy O'Connor, O'Neil, Peters, Plomaritis, Seamans, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Kevin Sullivan, Wallace, Geraldine Watson, Welch, Robert Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Carroll, John Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Pratt, Ralph, Rice, Rich, Stefanides, Tarr, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Appel, Barka, Blake, Blanchette, Campbell, Carpenito, Chapman, Collins, Connors, Cummings, Dunfey, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Kashulines, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Norton, O'Keefe, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Alfreda Smith, Splaine, Stimmell, Stratton, Vlack and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lessard, Maglaras,

Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Allen Wilson, Gray, Ingram, Lewko, Lucas, Palmer, Sara Townsend and Tucker.

NAYS 104

BELKNAP: Lawton and Mansfield.

CARROLL: Raymond Conley, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Faucher, Fillback, Galloway, Anne Gordon, Elmer Johnson, Moore and Vrakatitsis.

COOS: Burns, Fortier, Huggins, Hunt and Alcide Valliere.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, Duhaime, Myrl Eaton, Mann, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Baker, Bednar, Belanger, Carswell, Coburn, Joseph Cote, Coughlin, Cullity, L. Penny Dion, Dupont, Clyde Eaton, Gabrielle Gagnon, Heald, Karnis, LaPlante, Levesque, Martineau, Pelletier, Arnold Perkins Podles, Polak, Henry Richardson, Paul Riley, Stylianos, Francis Sullivan, Harold Thomson, Van Loan and Wallin.

MERRIMACK: Ayles, Laurent Boucher, Milton Cate, Chandler, Hess, Polly Johnson, Doris Riley, Shepard, Gerald Smith, Stockman and Doris Thompson.

ROCKINGHAM: Akerman, Bisbee, Cutliffe, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Griffin, Hoar, King, Lovejoy, Niebling, Parolise, Parr, Schwaner, Skinner, Tavitian, Webster, Helen Wilson and Wolfson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Lefavour, Osgood and Preston.

SULLIVAN: Brodeur, D'Amante, Scott, Spaulding and George Wiggins, and the motion lost, lacking the constitutional requirement of three-fifths of the entire membership.

Rep. Vrakatitsis notified the clerk that she inadvertently voted nay and meant to vote yea.

HB 159, repealing the subdivision in the statutes relative to equine infectious anemia. Majority: Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture; 1st Minority (Rep. Marilyn R. Campbell): Inexpedient to Legislate. 2nd Minority (Rep. Ralph Nelson): Ought to Pass.

Rep. Marshall French moved that debate on HB 159 be limited to thirty minutes equally divided.

Rep. Greene spoke against the motion. Motion lost.

Rep. Marshall French moved that debate on HB 159 be limited to forty minutes equally divided.

Rep. Chandler moved that HB 159 be made a special order for Tuesday next. Adopted.

HB 360, relative to the training of hunting dogs. Ought to Pass with Amendment. Rep. Pratt for Fish and Game. This bill is the result of a well-attended Fish and Game hearing with dog owners and trainers from all over the state. Testimony was almost unanimous for the bill and passed the Committee 13 - 0.

#### Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Field Trials for Dogs. Amend RSA 207:13 as amended by striking out said section and inserting in place thereof the following:

207:13 Field Trials. Field trials for dogs may be held at such times, in such manner, and under such restrictions, as may be prescribed by the director. Any person wishing to hold a field trial shall first obtain a written permit from the person on whose land it is proposed to hold the trial, present the same to the director, and pay a fee of ten dollars, except that the fee shall be two dollars for field trials for coon dogs. The director may thereupon issue a permit for such field trial. The director, or his duly authorized agent, shall supervise the holding of such field trial and enforce the terms of the permits therefor, and the rules and regulations for the conduct thereof. The director shall adopt such rules and regulations for the conduct of field trials as in his opinion are necessary to safeguard the interest of the wild life of the state. Provided that the director shall issue permits for beagle trials to any beagle club recognized by the American Kennel Club for trials to be run under the rules and regulations of the American Kennel Club. The fee for this permit shall not exceed two dollars. The director or his authorized agent shall enforce the terms of such permits.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 221, requiring towns to add newly constructed residences to the tax rolls immediately upon occupancy. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Richard Hanson for Municipal and County Government.

Based upon testimony at the hearing the Committee feels this bill merits more in depth study in order to investigate how other states have most successfully dealt with taxation of newly constructed residences.

Rep. M. Arnold Wight spoke to the committee report.

Referred to the Committee on Municipal and County Government for Interim Study.

HB 168, prohibiting the erection of advertising devices beyond 660 feet from interstate or federal aid primary system rights of way. Ought to Pass with Amendment. Rep. McLaughlin for Public Works.

This bill will be an act prohibiting the erection of advertising devices beyond 660 feet from interstate or federal aid primary system rights of way.

#### Amendment

Amend RSA 249-A:2, XVII, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XVII. "Urban area" means an area with a population of 5,000 or more persons as delineated on the urban area boundary maps on file with the department of public works and highways and as established by the commissioner of the department of public works and highways and responsible local officials of the state of New Hampshire, and which have been approved by the secretary of the United States department of transportation or his designee.

Amendment adopted.

Ordered to third reading.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 24 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage.

HB 423, relative to penalties for filing a late return under the business profits tax.

HB 308, relative to the employee discount utilized by electric utilities.

HB 360, relative to the training of hunting dogs.

HB 168, prohibiting the erection of advertising devices beyond 660 feet from interstate or federal aid primary system rights of way.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Carl Gage offered the following:

## HOUSE RESOLUTION NO. 20

commending the Exeter High School  
Basketball Blue Hawks

WHEREAS, the Exeter High School  
Basketball Blue Hawks have recently  
completed their first undefeated season in  
30 years; and

WHEREAS, said team has won its first  
state basketball championship ever, class  
I division, but not its last; now,  
therefore, be it

RESOLVED by the House of  
Representatives:

That the members of the House hereby  
express their congratulations to the team,  
and commend the tremendous effort and  
athletic ability demonstrated by these  
accomplishments; and

That the members of the House hereby  
recognize the team spirit and the pride  
which the team has engendered in the  
members of their community; and

That a copy of this Resolution be  
presented to the coach and team captain  
of the successful Exeter High School Blue  
Hawks.

The Clerk read the resolution in full.  
Adopted.

## RECONSIDERATION

Rep. Copenhagen moved that the House  
reconsider its action whereby it passed HB  
308, relative to the employee discount  
utilized by electric utilities.

Reconsideration lost.

## APPOINTMENTS BY SPEAKER

Rep. Judith Stahl to the N. H.  
Commission on Children and Youth (RSA  
170-D:1)

Rep. Sara Townsend to the State  
Council on Aging (RSA 167-A)

359 members were recorded as present.

Reps. Marshall French and Spirou moved  
that the House adjourn.  
Adopted.

The House adjourned at 3:45 p.m.

# HOUSE JOURNAL 20

*Thursday, 24 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Words! Words! How many words have been spoken? Here in this great hall? You must get awful tired of words God - Our words. Sad, isn't it Lord, we so seldom say what we mean or mean what we say. Our minds are bogged by the diarrhea of words that often cloud the issue, dodge the truth. Please, Lord, may we get brain into gear before putting mouth into motion. Let each of us have a mind full of wisdom, a heart full of love. Let our words be living witness that we are now prepared to give and receive in truth, for the sake of the many we serve and You. God bless us. Amen!

Rep. Levesque led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Miller, Desnoyer, Simard, Burrows, Anthony Randall, Frizzell, Forsaith Daniels, Meader, Paul Riley, John Winn and Brody, the day illness.

Rep. Crotty, the day, illness in family.

Reps. Cunningham, Kaklamanos, Taffe, Pappas, Slack, Grieco, Emma Wheeler, William Boucher, Whipple, Bridges, Chapman, Philip Heald, Blakeney and Thomas Hynes the day, important business

## INTRODUCTION OF GUESTS

Kari Lynne Rice, daughter and guest of Rep. Rice; Former Representative Paul Ryan, guest of the Speaker; JoAnn Bibbo, guest of Rep. Bibbo; David Lienster, Keene State professor of Westmoreland and daughter Anne Lienster, guests of Rep. Moore.

## SENATE MESSAGES CONCURRENCE

HB 115, stipulating that any local tax payment made by a check returned by the bank for any reason is deemed a non-payment of the tax bill.

HB 143, requiring a permit and fee for a commercial fishing tournament or contest.

HB 210, making it illegal to take trout less than 6 inches in length.

## ENROLLED BILLS REPORT

HB 115, stipulating that any local tax payment made by a check returned by the bank for any reason is deemed a non-payment of the tax bill.

HB 143, requiring a permit and fee for a commercial fishing tournament or contest.

Rep. James J. White  
For the Committee

## REQUEST CONCURRENCE WITH AMENDMENT

HB 100, relative to placing the Exeter police department under the control of the town manager. (Amendment printed in SJ

Rep. Mann moved that the House concur. Adopted.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral  
SB 95, relative to the taking of yellow perch and white perch for commercial sale. (Fish and Game)

Rep. Aldrich offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 745 through 769 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS

First, second reading and referral  
HB 745, relative to any appointments made by the Laconia city manager. (Murray of Belknap Dist. 5 - To Municipal and County Government)

HB 746, to eliminate discrimination against non-citizens in the granting of liquor licenses, selling or delivering of liquor or any other occupation, profession or business activity. (Crory of Grafton Dist. 13; Spiro of Hillsborough Dist. 27 - To Constitutional Revision)

HB 747, relative to shortening the waiting period required for marriage. (Brody of Hillsborough Dist. 24; Dion of Hillsborough Dist. 21 - To Constitutional Revision)

HB 748, to implement the uniform marriage recognition law. (Brody of Hillsborough Dist. 24; Dion of Hillsborough Dist. 21 - To Constitutional Revision)

HB 749, establishing programs for displaced homemakers. (Ward of Grafton Dist. 1; Chambers of Grafton Dist. 13; Sen. Bradley of Dist. 5 - To Labor, Human Resources and Rehabilitation)

HB 750, permitting the appointment of an assistant county attorney for the county of Rockingham. (Cunningham of Rockingham Dist. 12; Boucher of Rockingham Dist. 3 - To Municipal and County Government)

HB 751, relative to the release of inmates at county houses of correction for the purpose of gainful employment or rehabilitation. (O'Connor of Strafford Dist. 18 - To State Institutions)

HB 752, relative to the time limit for reporting divorces to the bureau of vital statistics. (White of Strafford Dist. 8; O'Connor of Strafford Dist. 18; Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24 - To Executive Departments and Administration)

HB 753, prohibiting certain tires on any way in this state between May 1 and November 1. (McLaughlin of Hillsborough Dist. 16 - To Transportation)

HB 754, granting authority to the commissioner of health and welfare to appoint acting directors of the divisions



of the department. (Hildreth of Belknap Dist. 6, for Department of Health and Welfare - To Executive Departments and Administration)

HB 755, relative to the marking of ballots in elections held in the state. (Bednar of Hillsborough Dist. 14; Parr of Rockingham Dist. 12; Schwaner of Rockingham Dist. 9 - To Statutory Revision)

HB 756, relative to acceptance of petitions by the planning board. (Bednar of Hillsborough Dist. 14 - To Municipal and County Government)

HB 757, relative to the designation of office on ballots. (Bednar of Hillsborough Dist. 14; Schwaner of Rockingham Dist. 9; Parr of Rockingham Dist. 12; Wight of Hillsborough Dist. 10 - To Statutory Revision)

HB 758, reducing the number of employees necessary to form a bargaining unit. (McDonough of Hillsborough Dist. 29; Clancy of Hillsborough Dist. 31 - To Labor, Human Resources and Rehabilitation)

HB 759, permitting wage deductions pursuant to collective bargaining agreements. (Skinner of Rockingham Dist. 3-A - To Labor, Human Resources and Rehabilitation)

HB 760, authorizing the trustees of the New Hampshire retirement system to delegate the power to make investment decisions. (Tarr of Merrimack Dist. 17 - To Education)

HB 761, relative to the destruction of certain papers in the department of labor. (Skinner of Rockingham Dist. 3-A - To Executive Departments and Administration)

HB 762, prohibiting the towing of certain vehicles. (Waters of Merrimack Dist. 9 - To Transportation)

HB 763, establishing a deadline for state action on application for aid to the permanently and totally disabled. (Spaulding of Sullivan Dist. 4 - To Health and Welfare)

HB 764, expanding the penalty provision relative to an overloaded vehicle. (Erler of Rockingham Dist. 8 - To Transportation)

HB 765, providing a penalty for failure to submit to a weighing of a suspected overloaded motor vehicle. (Waters of Merrimack Dist. 9 - To Transportation)

HB 766, relative to purposely or recklessly damaging property of another. (Soucy of Hillsborough Dist. 32 - To Constitutional Revision)

HB 767, establishing actions against landlords for failure to furnish utilities. (J. Hercheck of Strafford Dist. 16 - To Statutory Revision)

HB 768, creating the crime of negligent contribution to a child's delinquency and permitting a person to recover damages resulting from the torts of a minor in an action against the minor's parents. (Waters of Merrimack Dist. 9 - To Judiciary)

HB 769, establishing a primary election for the city of Laconia. (Hildreth of Belknap Dist. 6 - To Statutory Revision.)

#### INTRODUCTION OF HOUSE BILLS OF INTENT

HB 2000, Relating to: the state reimbursing the town of Plymouth for municipal services rendered to Plymouth state college. (McIvor of Grafton Dist. 11 - To Municipal and County Government)

HB 2001, Relating to: an investigation into the cost/benefits of landfill dumping versus contamination of air from open burning of local dumps. (Taylor of Grafton Dist. 9 - To Science and Technology)

HB 2002, Relating to: additional penalties for driving under the influence of intoxicating liquor or drugs, second offense. (Knight of Hillsborough Dist. 8 - To Transportation)

HB 2003, Relating to: centralized data processing. (Wight of Hillsborough Dist. 10; Voll of Strafford Dist. 4; Vlack of Rockingham Dist. 9; MacIvor of Merrimack Dist. 10; Smith of Hillsborough Dist. 14 - To Science and Technology)

HB 2004, Relating to: establishing a study to cut waste of heating fuel caused by inadequately insulated apartment buildings. (Orcutt of Hillsborough Dist. 8 - To Science and Technology)

HB 2005, relative to providing the legislature with an in-depth analysis of the effects of rapid population growth in New Hampshire. (Wight of Hillsborough Dist. 10; McLane of Merrimack Dist. 16; Martin of Hillsborough Dist. 10; Head of Hillsborough Dist. 10; Greene of Rockingham Dist. 17; Bowler of Belknap Dist. 3; Voll of Strafford Dist. 4; MacIvor of Merrimack Dist. 10; Proctor of Cheshire Dist. 14; Smith of Hillsborough Dist. 14; Crassie of Strafford Dist. 12; Taylor of Grafton Dist. 9; Stahl of Hillsborough Dist. 17; Sen. Trowbridge of Dist. 11; Tucker of Sullivan Dist. 4; Spirow of Hillsborough Dist. 27 - To Resources, Recreation and Development)

HB 2006, Relating to: guiding local communities in developing plans to limit growth. (Voll of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 2007, Relating to: prohibiting the purchase of real estate by a supervisory union. (Snell of Grafton Dist. 4 - To Education)

HB 2008, Relating to: technical or legal barrier to local generation of electrical energy. (Taylor of Grafton Dist. 9 - To Science and Technology)

HB 2009, Relating to: the publication of a budget law handbook. (Voll of Strafford Dist. 4 - To Municipal and County Government)

HB 2010, Relating to: the costs and impact of metrification in New Hampshire. (Taylor of Grafton Dist. 9 - To Science and Technology)

#### SIX-DAY EXTENSIONS GRANTED

HB 99, relative to permitting an accountant to advertise. (Commerce and Consumer Affairs)

HB 179, requiring the reporting of well digging information to the state geologists. (Environment and Agriculture)

HB 190, establishing a joint oversight committee and requiring its approval of newly promulgated administrative rules. (Executive Departments and Administration)

HB 286, increasing the number of fish and game commissioners from 10 to 11 by providing for 2 commissioners from Rockingham County. (Fish and Game)

HB 294, providing for state grants to persons subject to catastrophic illness and making an appropriation therefor. (Health and Welfare)

HB 300, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances. (Health and Welfare)

HB 276, to transfer certain costs of the superior court from the counties to the state, and making an appropriation therefor. (Judiciary)

SB 6, providing for a power of attorney which survives disability or incompetence of the principal. (Judiciary)

HB 155, relating to dogs at large and providing a penalty against the owner and further providing for local option if a municipality desires to be exempted. (Municipal and County Government)

HB 171, amending the Rochester city charter to provide that the mayor shall be a nonvoting member of the school board and that the school board shall elect one of its voting members chairman for a 2 year term. (Municipal and County Government)

HB 183, relative to the assessment of taxes and the date upon which interest as penalty may be charged for late payment. (Municipal and County Government)

HB 298, providing that taxes paid by cities and towns be based on population only. (Municipal and County Government)

HB 66, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years. (Regulated Revenues)

HB 303, relative to the conversion of certain class VI highways to footpaths or trails. (Resources, Recreation and Development)

HB 306, requiring that any person submitting an application and plans for construction approval by the water supply and pollution control commission certify that he has met all local pertinent requirements. (Resources, Recreation and Development)

HB 174, increasing the fee for motorcycle operator's license to \$12 and providing an effective period for such licenses of 4 years. (Transportation)

#### COMMUNICATION

Mr. James A. Chandler, Clerk  
House of Representatives

Dear Mr. Chandler:

On March 24, 1977, the following representative-elect appeared before the Governor and Council and was sworn into office:

Hillsborough County District No. 32  
(Manchester - Ward 8)

George T. Healy, Manchester.

Sincerely,  
William M. Gardner  
Secretary of State

The Speaker introduced Rep. Healy.

#### COMMITTEE REPORTS (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 489, 310, 327, 339, 163, 224, 230, 279, 80, 412 and 422 and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 375, 342, 442 and 216; and under the rules HBs 342 and 216 be referred to Appropriations, and HB 442 be referred to the Committee on Ways and Means.

Adopted.

HB 489, providing for payment of a claim to Pearl C. Smith and making an appropriation therefor. Inexpedient to Legislate. Rep. Levesque for Claims, Military and Veterans Affairs.

Literally dozens of members of social, fraternal and veterans organizations visit the Laconia State School over the course of a year for the purpose of sponsoring parties, games and festivities for the patients. The state assumes a certain degree of responsibility for safety and well-being of these visitors, but the state cannot be held pecuniarily liable unless there is definite proof of negligence or carelessness on the part of the state, which results in injury or accident to a visitor. In the instant case, no such negligence or carelessness was shown or proven.

HB 310, relative to the licensing and regulation of real estate brokers and salesmen; increasing the penalties for violation of RSA 331-A. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee has unanimously reported this bill inexpedient. Following the public hearing, a subcommittee was appointed to further study the bill. The sponsors subsequently told the Committee that they feel that no purpose would be served at this time by further discussion and possible amendment to this bill.

HB 327, relative to an electrician's licensing board. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee unanimously felt that this bill would serve no useful purpose to the consumer. There is no apparent reason to increase the membership of the board at this time.

HB 339, expanding the role of the athletic commission. Inexpedient to Legislate. Rep. Sara Townsend for Executive Departments and Administration.

Neither the sponsor nor the Committee could justify any reason for this bill. Unanimous vote.

HB 163, relative to establishing a hunting and trapping season for bobcat. Inexpedient to Legislate. Rep. Sabbow for Fish and Game.

This bill is completely covered by companion bill, HB 324. Vote was 14-0.

HB 224, relative to the training of dogs. Inexpedient to Legislate. Rep. Stimmell for Fish and Game.

This bill is completely covered by HB 360. It was inexpedient to legislate with approval of sponsor. Committee vote was 13-0.

HB 230, relative to establishing an open season for the taking of wild doves. Inexpedient to Legislate. Rep. Scott for Fish and Game.

Testimony was unanimous against this bill with exception of bill's sponsor. Committee vote was 13-0.

HB 279, extending the hunting season for partridge. Inexpedient to Legislate. Rep. Wolfson for Fish and Game.

Committee vote was unanimous that the partridge population couldn't stand the extra hunting time.

HB 80, redefining serious bodily injury in the criminal code. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

The bill seeks to redefine a serious bodily injury. The Committee's position was that since serious bodily injury would be addressed in HB 81 it was inexpedient to legislate.

HB 412, relative to just compensation for land owners upon the removal of advertising devices. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

Because the problem to which the bill addressed itself has been resolved, it was the unanimous vote of the Committee to recommend inexpedient to legislate.

HB 422, relative to the time period in which to accept an offer on condemnation of property proceedings. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

The problem to which the bill addressed itself has been resolved, therefore it was the unanimous vote of the Committee to recommend inexpedient to legislate.

HB 375, relative to the merger of the American College of Life Underwriters with the American College. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

The Committee has unanimously reported this housekeeping bill ought to pass. The bill merely reflects the merger of the American College of Life Underwriters and the American College. The corporation is now known, after the merger, as the American College.

HB 342, relative to deputy conservation officers. Ought to Pass. Rep. Scott for Fish and Game.

This bill gives the deputy conservation officers the same power as the conservation officer in regard to law enforcement. The Committee vote was 15 - 0 in favor of the bill. Referred to Appropriations.

HB 442, relative to the commission and tax on running and harness horse races. Ought to Pass. Rep. Lawton for Regulated Revenues.

This bill increases the commission on certain pari-mutuel pools. The Committee felt that this bill was necessary for the continued operation of horse racing in the state. This will provide additional tax revenue to the state and will bring in better horses. There was no opposition to the bill at the hearing. The Committee vote was 10 - 3. Referred to Ways and Means

HB 216, authorizing the sale of bonds to cover the local share of construction costs on the Winnepesaukee river basin project. Ought to Pass. Rep. Clafin for Resources, Recreation and Development.

Bonding procedure enables funding of Winnepesaukee river basin project with no burden to state or municipalities. Referred to Appropriations.

#### COMMITTEE REPORTS

(Regular Calendar)

HB 486, making a supplemental appropriation to the department of safety. Inexpedient to Legislate. Rep. Tucker for Appropriations.

This bill is not of emergency nature. Funds for temporary employees ran out due to the level of funding in the 1976-77 operating budget. In light of the current fiscal crunch, the Committee feels that funding for this request is not justified. Unanimous. Resolution adopted.

HB 374, increasing certification fees for psychologists and removing the requirement of citizenship. Ought to Pass. Rep. Eugene Daniell for Health and Welfare.

This bill increases the certification fee that psychologists must pay from \$25.00 up to, but not to exceed \$75.00 to cover the increase in the costs of administering the psychology examination. The bill also removes the requirement that a psychologist be or become a United States Citizen. Referred to Appropriations.



HB 399, relative to the definition of chiropractors. Inexpedient to Legislate. Rep. Eugene Daniell for Health and Welfare.

It was the decision of the Committee, that the term chiropractic physician, would be misleading to the consumer. This bill would have changed the definition of the chiropractor to the synonymous term, chiropractic physician. It was, therefore, voted inexpedient to legislate by a vote of 15 - 1.

Resolution adopted.

HB 404, relative to the definition of chiropractors. Inexpedient to Legislate. Rep. Gaskill for Health and Welfare.

This bill would have changed the definition of chiropractor by including physical therapy as an excluded method of practice performed by chiropractors. It was the general feeling of the Committee that this bill was unnecessary as we already have physical therapy laws as well as chiropractic laws. Vote was 13-3. Resolution adopted.

HB 405, relative to the effect of the practice of chiropractic. Inexpedient to Legislate. Rep. Knight for Health and Welfare.

This bill specifies that a registered chiropractic shall not be authorized to practice any form or method of healing, including physical therapy and acupuncture, except chiropractic. This bill reported out as inexpedient to legislate because it would restrict chiropractors from engaging in those activities preparatory to and complementary to the adjustment of the spinal column, as is provided for in RSA 316:1. The straight chiropractic organization wishes to restrict the practice to 'healing with the hands' only. Vote in Committee 13 - 2. Resolution adopted.

HB 477, relative to the name New Hampshire Straight Chiropractic Society. Inexpedient to Legislate. Rep. Blanchette for Health and Welfare.

This bill adds the New Hampshire Straight Chiropractic Society to recognized organization who shall advise the Labor Commissioner regarding the composition of a panel with those members the commissioner shall consult. The majority of the Committee felt that they (the Straight Chiropractic Society) only wanted state recognition.

There are already two branches of chiropractors, and there is no law stating that they could not be a society, so why recognize only a faction of the profession. Vote in Committee 13 - 3.

Resolution adopted.

HB 309, removing household labor and domestic labor employees from the exceptions to the minimum hourly rate paid for their services. Inexpedient to Legislate. Rep. Skinner for Labor, Human Resources and Rehabilitation.

The Committee felt that the intent and ramifications of this bill were not clear, primarily due to the lack of definitions concerning domestic and household labor. No other state in the union has a definition of domestic labor and the federal definitions are considered too broad.

Also, the Committee was aware that a great deal of this labor is paid under the table and enforcement of this legislation does not seem realistic. All in all, the Committee felt that the hiring of domestic and household labor should be left as an individual matter between employer and employee. Resolution adopted.

HB 244, relative to compensation of registers and deputy registers of probate. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

Investigation by a subcommittee has determined this bill of great benefit to the counties. It is also imperative for the Probate Court to retain competent deputy registers and to simplify the office's accounting by providing the registers' salary from one source.

Registers and deputy registers are considered state employees, but were omitted from the last two state pay raises. Because of this omission, deputy registers may now earn less than some of the clerical help. The raise would correct this.

The bill also would require that all fees collected by the register be turned over to the county, which would provide additional revenue for the county. Registers would then be put on a straight state salary rather than salary plus fees.

The \$299,994 appropriation represents only a \$149,175 increase over the present appropriation.

Referred to Appropriations.

HB 277, legalizing all dams in existence that were constructed prior to 1850. Ought to Pass with Amendment. Rep. Claflin for Resources, Recreation and Development.

Due to defective title records, this dam, which should have legal status, does not have documentation of this. Amendment confines a broader bill to the particular problem which arose, without raising complications.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## AN ACT

legalizing the Gilmore Pond dam in Jaffrey.

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 484 the following new chapter:

CHAPTER 484-A  
Legalized Dams

484-A:1 Gilmore Pond Dam in Jaffrey. The Gilmore Pond dam at the outlet of a natural pond which was constructed in or about the year 1803 and is located in the town of Jaffrey, is hereby authorized and legalized.

Amendment adopted.

Ordered to third reading.

HB 272, placing petrochemical facilities under the authority of the energy facility evaluation committee. Ought to Pass with Amendment. Rep. Taylor for Science and Technology.

After consultation with expert witnesses, the Committee felt that the terms "petrochemical facilities" needed better definition so as not to adversely affect New Hampshire industries involved with final state petro-derivatives. The amendment takes care of this.

This bill, in its amended form, applies only to those plants which process, by chemical means, those feedstocks derived from petroleum or petroleum intermediary sources.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

placing petrochemical plants under the authority of the energy facility evaluation committee.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definitions. Amend RSA 162-H:2 by inserting after paragraph V the following new paragraph:

VI. "Petrochemical plant" means any chemical processing plant with feedstock derived from petroleum or petroleum intermediary sources.

2 Petrochemical Plants, Inclusion.

Amend RSA 162-A by inserting after section 2 the following new section:

162-H:2-a Petrochemical Plants. The provisions of RSA 162-H shall be construed to apply to petrochemical plants.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 218, renaming the bureau of off-highway recreational vehicles; renaming the supervisor of the bureau; and creating additional responsibilities for the bureau. Ought to Pass with Amendment. Rep. James Murray for Transportation.

It is the intent of this Committee and of the Legislature, should this bill pass, that any rules or regulations to be made and enforced by the Bureau of Off-Highway Recreational Vehicles shall first, before any such action be taken, be approved by the standing Committee in the House which has jurisdiction over such matters. Also, in order to assist the Bureau of Off-Highway Recreational Vehicles financially; the balance of funds appropriated to said bureau which are left unexpended at the end of a fiscal year shall be carried forward and added to the appropriations for the following year.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to certain rules adopted by the bureau of off-highway recreational vehicles and establishing an OHRV fund.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rules and Regulations; Approval Required. Amend RSA 269-C:3 V (supp) as inserted by 1973, 560:1 as amended by striking out said paragraph and inserting in place thereof the following:

V. The supervisor of the bureau in the interest of safety may make such rules and regulations he deems necessary for the use and control of OHRV trails, facilities and lands under bureau control or lease. Notwithstanding RSA 541-A such rules and regulations shall take effect only after being approved by the standing house committee having jurisdiction over such matters. These rules and regulations shall be printed in any guide books published and posted at proper locations throughout the bureau trail system. A person who fails to observe these rules and regulations shall be subject to the same penalties provided for other sections of this chapter.

2 OHRV Fund Established. Amend RSA 269-C:3 by inserting after paragraph V the following new paragraph:

VI. The state treasurer shall keep all money appropriated to the department of resources and economic development for the bureau from the registration of off-highway recreational vehicles in a special fund to be known as the OHRV fund. At the close of each fiscal year any unexpended balance shall be carried forward and added to the appropriation for the subsequent year.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 269, relative to the suspension and revocation of a person's license or operating privilege. Ought to Pass with Amendment. Rep. James Murray for Transportation.

This bill is a clarifying and modernizing measure. The Committee's intent and the Legislature's, should this pass, is to bring the current Motor Vehicle Division procedures in line with recent Supreme Court decisions. It clarifies revocation of license and registration hearing procedures.

It also allows the Motor Vehicle Division to more closely supervise out-of-state operators who drive in a manner which would subject them to revocation or suspension of license. The Committee was unanimous in approving this bill.

#### Amendment

Amend RSA 262:27-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

262:27-b Operating After Revocation or Suspension. Any person convicted of operating a motor vehicle in this state after his license to operate or operating privileges have been suspended, revoked or right to operate has been denied shall be guilty of a misdemeanor.

Amendment adopted.

Ordered to third reading.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Greene, Griffin, Cunningham, Niebling, Krasker, Aeschliman, Felch, Bowler, Hartford, Leonard Smith, O'Neil, MacDonald, Blakeney, Kane, Catherine-Ann Day, Wallin, M. Arnold Wight, Edward Smith and Zabarsky offered the following:

#### HOUSE RESOLUTION NO. 21

beseeking the New Hampshire historical preservation review board to take action on the nomination of the Isles of Shoals to the national register of historic places.

WHEREAS, the Maine section of the Isles of Shoals has already been entered in the national register of historic places; and

WHEREAS, the process of entering the Isles of Shoals was begun as a joint effort by Maine and New Hampshire; and

WHEREAS, the New Hampshire section of the Isles of Shoals still has not been nominated; and

WHEREAS, the national register of historic places is an authoritative guide to be used by federal, state and local governments, private groups and citizens to identify the nation's cultural resources and to indicate what properties would be considered for protection from destruction or impairment; and

WHEREAS, the national register of historic places is designed and intended to be a planning tool without restraint upon private property interests; and

WHEREAS, certain incentives can accrue to private property owners in areas designated as national historical sites including allowing owners of income

producing buildings listed on the national register to write off rehabilitation expenditures over a 5-year period; and

WHEREAS, matching grants-in-aid are available to the states for comprehensive statewide historic site surveys and preservation plans and for the acquisition, protection, rehabilitation, restoration and reconstruction of properties included in the national register of historic places; and

WHEREAS, three vital benefits - recognition, review and restoration - accrued to property entered in the national register of historic places; now, therefore, be it

RESOLVED by the House of Representatives:

That the New Hampshire historical preservation review board is hereby beseeched to take action to nominate the New Hampshire section of the Isles of Shoals to the national register and thus to open the door for important benefits to accrue to this historical site; and

That the Clerk of House be and hereby is ordered to forward a copy of this resolution to the New Hampshire historical preservation review board.

Adopted.

Rep. Morgan requested a quorum count.  
The Speaker declared a quorum present.

#### SUSPENSION OF RULES

Rep. Morgan moved that the rules be so far suspended as to allow the consideration of a committee report without two days notice in the Calendar on HB 684, providing for the regulation of business takeovers.

Rep. Morgan spoke to his motion.

Reps. Plourde and Rossley spoke against the motion.

Reps. Baker, Scranton, Laurent Boucher, Fred Murray, George Healy, Elmer Johnson, Parr, Copenhaver, Buckman and Parker spoke in favor of the motion.

Reps. Roderick Allen and Chandler spoke to the motion.

Rep. Plourde spoke a second time against the motion.

Rep. Parker yielded to a question from Rep. Sanders.

Rep. L. Penny Dion moved the previous question. Sufficiently seconded. Adopted.

The Speaker requested a roll call.  
Sufficiently seconded.

(Speaker presiding)

YEAS 271 NAYS 74

YEAS 271

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson, Lawton, Mansfield, Morin, James Murray, Nighswander and Sabbow.

CARROLL: Roderick Allen, Raymond Conley, Found, Howard, Keller, Kenneth MacDonald, and Kenneth Smith.

CHESHIRE: Callahan, Chase, Dostilio, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala,

Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Vrakatisis.

COOS: Burns, Fortier, Horton, Huggins, Hunt, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taylor, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Baker, Barrett, Belanger, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Burke, Carswell, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Cullity, Catherin-Ann Day, Arline Dion, L. Penny Dion, Drenniak, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Daniel Healy, George Healy, Howard Humphrey, Karnis, Keefe, Knight, Lachance, LaPlante, Lyons, Marcoux, Martin, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nardi, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pelletier, Arnold Perkins, Peters, Podles, Polak, Record, Henry Richardson, Seamans, Edward Smith, Leonard Smith, Stahl, Harold Thomson, Van Loan, Wallace, Wallin, Welch, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Pratt, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Aller, Barka, Bisbee, Campbell, Carpenito, Connors, Cotton, Cummings, Cutliffe, Danforth, Davis, Robert Day, Felch, Flanagan, Beverly Gage, Carl Gage, Gaskill, Goff, Gould, Greene, Griffin, Hartford, Hoar, Kane, King, Laycock, Lovejoy, Joseph MacDonald, Niebling, Parr, Pucci, Quimby, Richards, Rogers, Sanborn, Scaman, Schwaner, Skinner, Alfreda Smith, Stimmell, Stratton, Tavitian, Webster, Helen Wilson and Wolfson.

STRAFFORD: Appleby, Belhumeur, Donnelly, Bruce French, Charles Grassie, Hebert, James Herchek, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maloomian, Nadeau, Osgood, Preston, Ruel, Sackett, Donald Smith, Torrey, Tripp, Valley and Shirley White.

SULLIVAN: Barrus, Brodeur, Gray, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend, Tucker and George Wiggins.

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BELKNAP: Gary Dionne, Goyette, Hildreth, Marsh, Kenneth Randall, and Sanders.

CARROLL: Claflin and Towle.

CHESHIRE: Close and Terry Wiggins.

COOS: Cooney and Neila Woodward.

GRAFTON: Chambers, Copenhaver, and Cornelius.

HILLSBOROUGH: Arnold, Aubut, Bednar, Coutermarsh, William Desmarais, Dupont, Joseph Eaton, Gelinas, LaFleur, Levesque, Madigan, Martineau, McDonough, Nemzoff-Berman, Normand, Plomaritis, Sing, Soucy, Sprou, St. George, Stylianos, Francis Sullivan, Kevin Sullivan, Geraldine Watson, Cecelia Winn and John Winn.

MERRIMACK: Hess, Arthur Perkins, Plourde and Robert Watson.

ROCKINGHAM: Aeschliman, Blake, Blanchette, Collins, Dunfey, Erler, Ganley, Krasker, Maynard, Donna McEachern, Joseph McEachern, Nelson, Norton, Parolise, Rossley, Splaine and Wojnowski.

STRAFFORD: Burchell, Canney, Walter Desmarais, Dianne Herchek, Maglaras, Morrisette, Rod O'Connor, Dennis Ramsey, Schreiber, Voll and Allen Wilson.

SULLIVAN: LeBrun, and the rules were suspended by the necessary two-thirds.

#### COMMITTEE REPORT

HB 684, providing for the regulation of business takeovers. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill will make it more difficult for a takeover company to move against its target company without giving the target time to determine the probable outcome and the effect on both its stockholders and employees. It gives more time than federal law now provides, but does not interfere with normal transactions in the stock of the target company. It is already the law in twenty-three states, and is needed quickly in New Hampshire to meet an emergency situation.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

The Assistant Clerk read the amendment in full.

Amendment adopted.

Rep. Scranton yielded to a question. Ordered to third reading.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only, and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday next at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 375, relative to the merger of the American College of Life Underwriters with the American College.

HB 277, legalizing the Gilmore Pond dam in Jaffrey.

HB 272, placing petrochemical plants under the authority of the energy facility evaluation committee.

HB 269, relative to the suspension and revocation of a person's license or operating privilege.

HB 684, providing for the regulation of business takeovers.

#### VACATE

Rep. Claflin moved that the House vacate the reference of HB 346, crediting the bureau of off highway recreational vehicles with a percentage of state gasoline road tolls, to the committee on Resources, Recreation and Development and re-refer said bill to the committee on Transportation.

Adopted.

#### APPOINTMENTS

Under the provisions of RSA 14:30-a which creates the Legislative Fiscal Committee, I have today named the following members of the House Appropriations Committee to the Fiscal Committee:

John B. Tucker  
Ralph D. Hough  
William Kidder  
Theodora Nardi  
James Normand

s/John B. Tucker, Chairman  
Appropriations Committee

353 members were recorded present.

#### RECESS

(Rep. Marshall French in Chair)

#### SENATE MESSAGE

##### CONCURRENCE

HB 236, relative to the student trustee in the state university system.

HB 684, providing for the regulation of business takeovers.

#### ENROLLED BILLS REPORT

HB 236, relative to the student trustee in the state university system.

HB 684, providing for the regulation of business takeovers.

Sen. Louis Bergeron  
For the Committee

Rep. Marshall French moved that the House adjourn until Tuesday next at 1:00 p.m.

Adopted.



# HOUSE JOURNAL 21

*Tuesday, 29 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

"Father, Father," he said, "everything is possible for You. Take away this cup from me. Yet I want Your will, not mine."  
--Mark 14:36

Surely we know this feeling. God, how easy it would be to just up and run away. Perhaps to pray for the world of responsibilities to disappear. Here we are again Lord. Don't let us run away. Bring us full force to the issues of this day as whole persons - body, heart, mind, spirit. Provide each of us with the total strength to meet each task with a determination to do Your will as we see it. May we commit our labors to bringing light, beauty, justice, peace, freedom, wholeness, sanity, righteousness, goodness, mercy, morality - Let Your will be done in us today, in our time and place. Amen!

Rep. Bibbo led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Anthony Randall, Frizzell, Burrows, Forsaith Daniels, Morgan, Crotty, and Neil McIver, the day, illness.

Reps. Brack, Niebling, Bosse and Maglaras, the day, important business.

## INTRODUCTION OF GUESTS

David Bianchi of Bristol, guest of Rep. Splaine; Karen Robinson, daughter of Selectman Carl Robinson of Marlborough, guest of Rep. Irvin Gordon; Wendy Bartlett, guest of Rep. Hess; Mrs. Maurine Peterson, wife and guest of the Assistant Clerk, Carl A. Peterson; Laconia and Gilford League of Women Voters, guests of the Laconia and Gilford Delegations.

## SENATE MESSAGES

### CONCURRENCE

HB 214, providing a penalty for the false reporting of a motor vehicle accident.

HB 252, guaranteeing freedom of speech, right of criticism and disclosure for all state employees.

HB 181, allowing senior citizens to play beano for a nominal cash prize.

HB 17, permitting absentee voting in elections of the union school district in Concord.

HB 134, permitting each town discretionary power to determine whether the trustees of trust funds publish a full or summary report in the annual town report.

HB 158, relative to the compensation of tax collectors.

HB 153, repealing RSA 262:43 pertaining to garage registration of out-of-state automobiles.

HB 130, relative to railroad warning signs on the state highway system.

HB 234, allowing the holder of motorcycle learner's permit to drive a motorcycle to and from a licensing examination.

## INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 127, relative to vacancies in the office of mayor of Nashua. (Municipal and County Government)

## ENROLLED BILLS REPORT

HB 100, relative to placing the Exeter police department under the control of the town manager.

HB 130, relative to railroad warning signs on the state highway system.

HB 134, permitting each town discretionary power to determine whether the trustees of trust funds publish a full or a summary report in the annual town report.

HB 153, repealing RSA 262:43 pertaining to garage registration of out-of-state automobiles.

HB 181, allowing senior citizens to play beano for a nominal cash prize.

HB 214, providing a penalty for the false reporting of a motor vehicle accident.

HB 234, allowing the holder of motorcycle learner's permit to drive a motorcycle to and from a licensing examination.

HB 252, guaranteeing freedom of speech, right of criticism and disclosure for all state employees.

Rep. James J. White  
For the Committee

## NOTICE OF RECONSIDERATION

Rep. Dostilio served notice that today or some subsequent day, as limited by the rules, he would ask the House to reconsider its action whereby it killed HB 477, relative to the name New Hampshire Straight Chiropractic Society.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 770 through 796 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS

First, second reading and referral

HB 770, relative to the qualifications of private investigators. (Cate of Merrimack Dist. 14 - To Commerce and Consumer Affairs)

HB 771, relating to the regulation of advertising permitted by certain public utilities. (Chapman of Rockingham Dist. 15 - To Commerce and Consumer Affairs)

HB 772, prohibiting candidates for any elective position other than a position as an election official, from working within a polling place. (Splaine of Rockingham Dist. 19; Maglaras of Strafford Dist. 17; Zabarsky of Rockingham Dist. 22; Rossley of Rockingham Dist. 23; O'Connor of Strafford Dist. 18; Connolly of Hillsborough Dist. 9; Wiggin of Cheshire Dist. 14; Sanders of Belknap Dist. 4 - To Statutory Revision)

HB 773, adopting a lake and river protection zone act. (Sanborn of Rockingham Dist. 9 - To Resources, Recreation and Development)

HB 774, increasing the time between the close of voter registration and the posting of the checklist. (Laycock of Rockingham Dist. 5 - To Statutory Revision)

HB 775, relative to the commencement of bargaining and the resolution of disputes under the public employee labor relations law. (McDonough of Hillsborough Dist. 29; Clancy of Hillsborough Dist. 31 - To Labor, Human Resources and Rehabilitation)

HB 776, relative to the definition of a person beneficially interested in an account filed in probate court. (Perkins of Merrimack Dist. 18 - To Judiciary)

HB 777, relative to unfair, deceptive or unreasonable collection practices. (Roberts of Belknap Dist. 4; Cornelius of Grafton Dist. 13; Aller of Rockingham Dist. 13; Lucas of Sullivan Dist. 6; Found of Carroll Dist. 2; Hanson of Belknap Dist. 5; Dionne of Belknap Dist. 6; Carpenito of Rockingham Dist. 5; Woodward of Grafton Dist. 8; Sen. Bossie of Dist. 20 - To Judiciary)

HB 778, repealing the debt limitation for the Nashua school district and changing the dept limitation for the city of Nashua to an aggregate of 6 percent. (Boisvert of Hillsborough Dist. 22; Gagnon of Hillsborough Dist. 21; Madigan of Hillsborough Dist. 24; Wallace of Hillsborough Dist. 22 - To Municipal and County Government)

HB 779, relative to guardianship of residents of Laconia state school. (Murray of Hillsborough Dist. 3 - To State Institutions)

HB 780, relative to certifications required of town and city officials on reports and assurances to state agencies. (French of Belknap Dist. 1 - To Municipal and County Government)

HB 781, to require notice of application for, or modification of, general assistance to be given to the municipality of settlement. (Murray of Hillsborough Dist. 3 - To Health and Welfare)

HB 782, relative to effective dates for laws which have a municipal fiscal impact. (French of Belknap Dist. 1 - To Municipal and County Government)

HB 783, requiring the labor commissioner to issue a decision in a wage claim hearing within 30 days of the hearing. (Skinner of Rockingham Dist. 3-A - To Labor, Human Resources and Rehabilitation)

HB 784, relative to the payment of liquidated damages by an employer for failure to pay back wages. (Skinner of Rockingham Dist. 3-A - To Labor, Human Resources and Rehabilitation)

HB 785, relative to cities, towns and precincts contracting with sanitary engineering firms. (Gagnon of Hillsborough Dist. 13 - To Resources, Recreation and Development)

HB 786, relative to defective equipment tags. (Sing of Hillsborough Dist. 23; D'Amante of Sullivan Dist. 5 - To Transportation)

HB 787, relative to mental health evaluations of minors before the juvenile court. (Riley of Merrimack Dist. 6 - To Judiciary)

HB 788, relative to court appeals of planning board or zoning board of adjustments decisions. (Bednar of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3; King of Rockingham Dist. 1; Perkins of Hillsborough Dist. 8 - To Judiciary)

HB 789, relative to a change in party registration. (Krasker of Rockingham Dist. 22; Day of Hillsborough Dist. 26; Daniell of Merrimack Dist. 13; Aeschliman of Rockingham Dist. 18; Boucher of Rockingham Dist. 3; Morrisette of Strafford Dist. 7 - To Statutory Revision)

HB 790, relative to cancer drug therapy. (Cote of Hillsborough Dist. 28; Daniell of Merrimack Dist. 13 - To Health and Welfare)

HB 791, giving attorneys the right to conduct a voir dire examination. (Bosse of Hillsborough Dist. 1 - To Judiciary)

HB 792, relative to leave of absence of state legislators during a term of general court. (Goff of Rockingham Dist. 5 - To Legislative Administration)

HB 793, establishing the procedure for enforcement of covenants running with the land and other rights in areas included in approved redevelopment plans. (T. O'Connor of Hillsborough Dist. 33; Burke of Hillsborough Dist. 33 - To Resources, Recreation and Development)

HB 794, allowing re-employed state employees to buy back into the New Hampshire retirement system. (Goff of Rockingham Dist. 5 - To Executive Departments and Administration)

HB 795, permitting a county to borrow money in anticipation of federal or state aid or both. (O'Connor of Strafford Dist. 18 - To Municipal and County Government)

HB 796, establishing an approved absence program in houses of correction. (O'Connor of Strafford Dist. 18 - To State Institutions)

#### SIX DAY EXTENSIONS GRANTED

HB 197, exempting certain towns from the prohibition against burning refuse in an open pit. (Environment and Agriculture)

HB 193, relative to class actions under the consumer protection law. (Judiciary)

HB 208, relative to public hearings on variances of zoning regulations. (Municipal and County Government)

HB 209, relative to the procedures of the board of adjustment and the planning boards. (Municipal and County Government)  
VACATE

Rep. Raymond Conley moved that the House vacate the reference of HB 662, amending the methods of giving proof of financial responsibility, to the Committee on Statutory Revision and re-refer said bill to the Committee on Transportation.  
Adopted.

#### COMMUNICATION

George B. Roberts, Jr.  
Speaker of the House

Dear Mr. Roberts:

Due to business pressures, I, John F. Clancy, Ward 7, District 31, Manchester, N. H. wish to resign as Representative of the General Court, effective March 25, 1977.

John F. Clancy

The Clerk read the communication.

Rep. Marshall French moved that all debates on bills for today be limited to not more than forty minutes equally divided.

Adopted.

Rep. Campbell requested a quorum count. The Speaker declared a quorum present.

#### SPECIAL ORDER

HB 159, repealing the subdivision in the statutes relative to equine infectious anemia. Majority: Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture. 1st Minority (Rep. Marilyn R. Campbell): Inexpedient to Legislate. 2nd Minority (Rep. Ralph Nelson): Ought to pass.

Majority: The bill, as amended, accomplishes all of those things which the majority of the several hundred people attending the public hearing wanted, while retaining a prudent measure of oversight by the Commissioner of Agriculture.

1. The mandatory use of the Coggins test for EIA is eliminated except that horses coming into the state must have proof of a negative test in the last six months.

2. The strict quarantine and disposal (slaughter) provision of the 1975 law is eliminated.

3. Race tracks, fairs, (shows and other events or organizations) are left free to require the test if they choose. Control is also removed over sales and auctions of horses.

4. Any horse which is tested and does have a positive reaction must be tested again and then permanently marked.

5. In addition, the amendment reaches back into older statutes to exempt the asymptomatic (positive reactor) horse (a horse which has a positive reaction to a Coggins test but has no clinical symptoms of the disease) from existing laws regarding quarantine and disposal of diseased animals.

6. The safety measure is that any positive reactor horse which develops symptoms of EIA becomes subject to usual controls of state law.

1st Minority: EIA is a contagious disease. The Coggins test is an excellent tool for measuring EIA antibodies. Testing of all horses, with strict quarantine or destroying of diseased horses could eradicate the disease. Passage of HB 159 would delay this effort.

2nd Minority: Statutes relative to equine infectious anemia are unenforceable. Should not straddle the issue.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to equine infectious anemia.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Defining Certain Terms. Amend RSA 443:97 (supp) as inserted by 1975, 247:1 by striking out said section and inserting in place thereof the following:

443:97 Definitions. In this subdivision:

I. "Accredited veterinarian" means a veterinarian who is licensed pursuant to RSA 332-B and, in addition, is accredited by the United States Department of Agriculture and the department of agriculture of this state.

II. "Asymptomatic positive reactor" means any equine which reacts positively to an official test but which is apparently healthy, showing no symptoms of equine infectious anemia.

III. "Equine" means any member of the equine family which includes horses, mules, asses and zebra.

IV. "Equine infectious anemia", also known as swamp fever, means a disease of equines caused by a virus which is infectious and may be spread from horse to horse by blood-sucking insects, unsterile surgical instruments and community use of equipment that may produce cuts or abrasions. Both sexes may be affected at any age. Infected animals remain carriers for life, constituting a potential source of disease spread. The disease may be acute, chronic, or inapparent.

V. "Official test" means the agar gel immune diffusion blood test conducted in a laboratory approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service and the state veterinarian.

VI. "Reactor" means an equine over one year of age whose blood serum reacts positively to an approved serological test for equine infectious anemia performed by an approved laboratory.

VII. "State veterinarian" means the veterinarian appointed pursuant to RSA 443.

## 2 Testing Requirements for Equines.

Amend RSA 443:98 (supp) as inserted by 1975, 247:1 by striking out said section and inserting in place thereof the following:

443:98 Requirement for a Second Test. Any equine in the state which reacts positively to an official test is hereby required to be tested a second time at the expense of the state, and if the test reads positive a second time, the equine shall be so identified with a lip tattoo designed by the commissioner.

3 Equines Being Sold. Amend RSA 443:100 (supp) as inserted by 1975, 247:1 by striking out said section and inserting in place thereof the following:

443:100 Equines which are Asymptomatic Positive Reactors. Any equine which is an asymptomatic positive reactor shall not be construed to be infected with a contagious or infectious disease under the provisions of RSA 443:24-5 or RSA 443:33-34.

### 4 Repeal.

I. RSA 443:101, relative to movement intrastate of equines, is hereby repealed.

II. RSA 443:102, relative to reactors to the official test, is hereby repealed.

III. RSA 443:103, relative to disposition of reactor animals, is hereby repealed.

IV. RSA 443:104, loss of equine at owner's expense, is hereby repealed.

5 Effective Date. This act shall take effect 60 days after its passage.

Reps. Barrus, Terry, Stomberg and Corser spoke in favor of the amendment.

Amendment adopted.

Rep. Chase offered an amendment.

### Amendment

Amend RSA 443:98 as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following:

443:98 Requirement for a Second Test. Any equine in the state which reacts positively to an official test is hereby required to be tested a second time at the expense of the state and if the test reads positive a second time the equine shall be permanently identified by the state veterinarian or his representative using a hot iron, chemical brand, freezemarking or an approved lip tattoo. The brand shall be "12" (or an appropriate federal code number assigned by the United States Department of Agriculture to New Hampshire) followed by "A" indicating anemia. Numerals may be used following the "A" at the discretion of the state veterinarian.

The Assistant Clerk read the amendment in full.

Rep. Chase spoke in favor of his amendment.

Rep. Blakeney spoke against the amendment.

Amendment lost.

Rep. Campbell moved that HB 159 be indefinitely postponed and spoke to her motion.

Reps. Chase, Greene and Sabbow spoke against the motion.

Reps. George Wiggins and Plourde spoke in favor of the motion.

Rep. Tucker moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 48 NAYS 316

YEAS 48

BELKNAP: None.

CARROLL: Kenneth Smith.

CHESHIRE: Callahan and Faucher.

COOS: Cooney and Mabel Richardson.

GRAFTON: Ira Allen, Mann, Pepitone and Madeline Townsend.

HILLSBOROUGH: Wilfrid Boisvert, Burke, Currier, William Desmarais, Drewniak, Daniel Healy, George Healy, Thomas Hynes, Lachance, Levesque, McLaughlin, Timothy O'Connor, Arnold Perkins, Paul Riley, Shea, Geraldine Watson, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Richard Hanson, Packard and Plourde.

ROCKINGHAM: Akerman, Barka, Campbell, Carpenito, Collins, Flanagan, Beverly Gage, Laycock, Lovejoy, Parolise and Alfreda Smith.

STRAFFORD: Belhumeur, Donnelly, Joncas, Dennis Ramsey and Tripp.

SULLIVAN: Sara Townsend.

NAYS 316

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Marsh, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Found, Howard, Keller, Kenneth MacDonald, and Towle.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatisis, Whipple and Terry Wiggin.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.



GRAFTON: Aldrich, Buckman, George Cate, Chambers, Clark, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, McAvoy, Rounds, Snell, Stomberg, Taffe, Glyneta Thomson, and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter, Aubut, Baker, Barrett, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Roland Boucher, Bridges, Brody, Carswell, Coburn, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, LaFleur, LaPlante, Armand Lemire, Lyons, Madigan, Marcoux, Martineau, McGlynn, Miller, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Peters, Plomaritis, Podles, Polak, Quigley, Record, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, and Ziakas.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniel, Foley, Camache, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Pelton, Arthur Perkins, Pratt, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Carl Cage, Ganley, Gaskill, Coff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Norton, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski, Wolfson and Zabarsky.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lefavour, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Lucas, Palmer, Scott, Spaulding, Tucker and George Wiggins, and the motion lost.

Ordered to third reading.

Rep. Chapman wished to be recorded in favor of the Committee Report on HB 159.

#### COMMITTEE REPORTS (Regular Calendar)

HB 315, permitting trustees of trust funds of towns to hire or employ trust departments of banks to assist in the management and investment of trust fund resources. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

The Committee unanimously felt that this bill ought to pass. The bill enables trustees of trust funds to assist in the management and investment of trust fund resources and to provide bookkeeping services in connection with the trust funds. Records maintained by the bank will remain municipal property.

#### Amendment

Amend RSA 31:38-a, II, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. "Bank" as used in this section means a savings bank, national bank or trust company in this state, any building and loan association or cooperative bank, incorporated and doing business under the laws of this state or any federal savings and loan association located and doing business in this state.

Amend RSA 31:38-a, as inserted by section 1 of the bill, by striking out paragraph IV.

Amendment adopted.

Ordered to third reading.

HB 501, establishing an education equalization fund. Inexpedient to Legislate. Rep. Henry Richardson for Education.

The Committee believes that putting an added burden on property taxpayers is not the way to bring about equalized funding for education. The bill would institute a \$5 statewide property tax. Further study is needed before such a sweeping equalization program is instituted. Committee vote was 15 - 2.

Rep. Scamman moved that HB 501 be referred to the Committee on Education for Interim Study, and spoke to his motion.

Rep. Gemmill spoke in favor of the motion.

Adopted.

HB 521, continuing programs for the arts commission and making an appropriation therefor. Majority: Ought to Pass. Rep. Krasker for Education. Minority (Reps. William P. Boucher and Henry B. Richardson): Inexpedient to Legislate.

Majority: Testimony at the hearing was overwhelmingly in favor of this bill which will provide expanding program support for 27 art organizations throughout the state. Besides the cultural impact of this bill, testimony confirms that \$3.00 returns to the economy from every \$1.00 spent on the arts. The arts represent a \$10,000,000 industry employing 6,000 people in the state. Committee vote was 10 - 7.

Minority: Minority feels that with the financial status of the state this is not the year to start program funding of the arts. Such funding should have been included in the original operating budget request.

Rep. William Boucher moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke to his motion.

Rep. Gemmill spoke against the motion.

Rep. Marshall French moved the previous question. Sufficiently seconded.

Rep. William Boucher requested a division.

106 members having voted in the affirmative and 174 in the negative, the motion failed.

Referred to Appropriations.

HB 149, increasing the fees for lobster, clam and oyster licenses and providing a penalty for misuse of a lobster and crab license. Ought to Pass with Amendment. Rep. Wolfson for Fish and Game.

This bill was recommended by seacoast fishermen and provides badly needed revenue for seacoast law enforcement.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing fees for lobster, clam and oyster licenses, providing a penalty for misuse of lobster and clam licenses and removing the residency waiver for lobster and clam licenses.

Amend RSA 211:18 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

211:18 License. No person may at any time place, set, keep, maintain, supervise, lift, raise or draw in, from any water under the jurisdiction of this state, or in any way aid or assist in so doing, any pot, trap, warp, or any other device used in taking lobsters or crabs without first getting a special license; nor during the time from sunset to one hour before sunrise. The director shall issue the special license under rules and regulations and in the form prescribed by him. The fee for such a license is \$100. If a person does not take lobsters or crabs for the purpose of selling them and does not use more than 5 traps, the fee is

\$25. The fees and fines collected under this subdivision and the expenses of enforcing the subdivision shall be accounted for separately by the director. Nothing in this section shall pertain to the taking of green crabs.

Amend RSA 211:62-a as inserted by section 3 of the bill by striking out said section and inserting in place thereof the following:

211:62-a Licenses for Taking. No person shall at any time take clams, clam worms or oysters unless he is a resident of the state and he has been duly licensed as provided in this section, provided that a resident of the state may take from any public tidal area which is not specifically posted to the contrary by the fish and game department, not over one quart of clam worms during any one day for his own use without a license therefor and no rules or regulations shall be made by the director of the fish and game department inconsistent with this provision. Any resident of this state shall, upon application to the director of the fish and game department, be granted a license to take clams or clam worms or oysters upon payment of a fee of \$5.50 for each license. The fee for said license for resident persons under the age of 12 is \$3.50 for each license. Such licenses shall be issued for the current calendar year. The director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use a clam, oyster or clam worm license issued to himself or any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in application to obtain said license shall be subjected to the penalty under RSA 211:64.

Amend section 4 of the bill by striking out same and inserting in place thereof the following:

4 Removing Waiver of 5 Year Resident Requirement. Amend RSA 211:23 (supp) as amended by striking out said section and inserting in place thereof the following:

211:23 Who May Take Lobsters and Crabs. No person shall take lobsters or crabs from the waters of New Hampshire unless he is a bona fide resident of the state, and no license shall be issued to a person unless he shall furnish proof that he has resided within the state for at least 5 years immediately preceding his application for a license and has not during that time claimed a residence in any other state for any purpose. No person shall wilfully make a false statement in applying for a license.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Krasker moved that HB 149 be recommitted to the Committee on Fish and Game and spoke to her motion.

Reps. Stimmell, Parr, Griffin, LaMott and Norton spoke against the motion.

Reps. Appel, Zabarsky, Hildreth and Greene spoke in favor of the motion.

Rep. Marshall French moved the previous question. Sufficiently seconded.

A roll call was requested.

(Speaker presiding)

YEAS 132 NAYS 208

YEAS 132

BELKNAP: Beard, Bowler, Gary Dionne, Hildreth, Lawton, Nighswander and Sanders.

CARROLL: Roderick Allen, Kenneth MacDonald and Towle.

CHESHIRE: Chase, Dostilio, Daniel Eaton, Elmer Johnson, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry and Terry Wiggin.

COOS: Bradley Haynes, George Lemire, Alcide Valliere and Neila Woodward.

GRAFTON: Chambers, Clark, Copenhagen, Cornelius, Hough, Stomberg, Taffe and Michael Woodard.

HILLSBOROUGH: Arnold, Brody, Mark Connolly, Margaret Cote, Coutermarsh, Currier, Catherine-Ann Day, Arline Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Cort Hansen, Daniel Healy, Kaklamanos, LaFleur, Lamy, LaPlante, McGlynn, Nardi, Nemzoff-Berman, Normand, O'Neil, Orcutt, Pappas, Plomaritis, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, Francis Sullivan, Van Loan, Wallin, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Blakeney, Carroll, Eugene Daniell, Pelton, Ralph, Rice, Trachy, Waters and Robert Watson.

ROCKINGHAM: Aeschliman, Appel, Blanchette, William Boucher, Carpenito, Collins, Connors, Cotton, Dunfey, Erler, Flanagan, Carl Gage, Ganley, Greene, Hartford, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Parolise, Pucci, Rogers, Rossley, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, Horrigan, Joos, Kincaid, Lessard, Maloomian, Meader, Morrisette, Sackett, Schreiber, Torrey, Valley and Allen Wilson.

SULLIVAN: Brodeur, Gray and Lucas.

NAYS 208

BELKNAP: Ambrose, Marshall French, Michael Hanson, Mansfield, Marsh, Morin, James Murray, Kenneth Randall and Sabbow.

CARROLL: Clafin, Raymond Conley, Keller and Kenneth Smith.

CHESHIRE: Callahan, Close, Faucher, Fillback, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Parker, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Huggins, Hunt, Keough, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Crory, Dearborn, Gemmill, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Taylor, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Bednar, Albert Bellemore, Wilfrid Boisvert, Roland Boucher, Bridges, Burke, Carswell, Coburn, Colson, Corser, Joseph Cote, Coughlin, William Desmarais, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Head, Heald, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, Levesque, Lyons, Madigan, Marcoux, Martin, Martineau, McLaughlin, Miller, Fred Murray, Kerry O'Connor, Pelletier, Arnold Perkins, Peters, Podles, Polak, Record, Paul Riley, Sing, Stylianos, Harold Thomson, Wallace, Geraldine Watson, Welch, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna Macivor, McNichol, Mullin, Packard, Pratt, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Blake, Campbell, Chapman, Cummings, Cunningham, Davis, Felch, Beverly Gage, Gaskill, Goff, Gould, Grieco, Griffin, Hoar, Kashulines, King, Lovejoy, Nelson, Norton, Parr, Quimby, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Belhumeur, Canney, Walter Desmarais, Donnelly, James Herchek, Joncas, Kelly, Lefavour, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Donald Smith, Tripp, Voll and Shirley White.

SULLIVAN: Barrus, D'Amante, Desnoyer, Ingram, LeBrun, Lewko, Palmer, Scott, Sara Townsend and Tucker, and the motion failed. Referred to Appropriations.

HB 324, relative to the taking of bobcat and fisher. Ought to Pass with Amendment. Rep. Sabbow for Fish and Game.

After two long hearings the Committee voted 16 - 0 to put a two year moratorium on hunting and trapping for both bobcat and fisher as they are both threatened species.



## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Season Closed; Fisher. Amend RSA 210:3-a (supp) as inserted by 1965, 271:1 as amended by striking out said section and inserting in place thereof the following:

210:3-a Fisher Seasons. Fisher shall not be taken and possessed at any time during the calendar years 1977 and 1978.

2 Season Closed; Bobcat. Amend RSA 210 by inserting after section 3-b the following new section:

210:3-c Bobcat Seasons. Bobcats shall not be taken and possessed at any time during the calendar years 1977 and 1978.

3 Dog Training. Amend RSA 207:12-a by inserting after paragraph V the following new paragraph:

VI. During the moratorium on the taking of a bobcat and fishers any bobcat or fisher that may be taken in the training of dogs pursuant to this section shall be turned over to the fish and game department intact.

4 Hunting Bobcat with Dogs Prohibited. Amend RSA 466:33 (supp) as amended by striking out said section and inserting in place thereof the following:

466:33 Dogs at Large. It shall be unlawful for the owner or custodian of any dog to permit such dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where livestock is pastured, at any time of any year, provided that hares and rabbits may be hunted with dogs during the open season therefor under the owner's control and supervision. Provided that any organized club may hold a club licensed or sanctioned field trial on game which is otherwise protected. Said club shall secure permission from the owner of the land on which said trial is to be held, and shall notify the director of the fish and game department, at least 2 weeks in advance, of the date and place of the trial. Whoever violates the provisions of this section shall be guilty of a violation.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 27, establishing the Meredith district court. Ought to Pass. Rep. Doris Riley for Judiciary.

The creation of a Meredith District Court was justified upon the following considerations: case load, geographical location, impact upon the Laconia District Court should the Meredith Municipal Court be phased out. Ordered to third reading.

HB 202, establishing a Pittsfield judicial district and a Pittsfield district court. Ought to Pass. Rep. Arthur Perkins for Judiciary.

The creation of a Pittsfield District court was justified based upon geographical and case load considerations and the further need for additional district courts to service inhabitants of the area. The vote of the Committee was 9 - 1. Ordered to third reading.

HB 125, establishing standards for determining death for purposes of the anatomical gifts act. Refer to the Committee on Judiciary for Interim Study. Rep. Arthur Perkins for Judiciary.

This bill seeks to establish a standard for determining death for the purpose of the anatomical gifts act. Because of the complicated issues, both legal and moral, the appropriate course of conduct was to refer to interim study to ascertain an acceptable criteria of what constitutes death.

Referred to Judiciary for Interim Study.

HB 132, prohibiting the transfer of property within 3 years of applying for town assistance. Ought to Pass. Rep. Neil McIver for Municipal and County Government.

This bill would extend the same standard to municipalities as the state uses regarding property transfers prior to applying for town assistance. The Committee feels uniform standards are more practical and fair.

Ordered to third reading.

HB 496, making the interest due on taxes not timely paid a uniform 9 per cent. Inexpedient to Legislate. Rep. Faucher for Municipal and County Government.

This bill would apply only to cities or towns on semi-annual payments. Imposing a uniform per cent tax rate on those municipalities on a semi-annual basis would defeat the purpose of semi-annual payments. The Committee concurs with the Department of Revenue Administration that this would be a discriminatory tax law. Resolution adopted.

HB 3, repealing the provisions relative to establishing additional district courts. Ought to Pass with Amendment. Rep. Arthur W. Perkins for Judiciary.

Under existing law the Legislature cannot establish a new district court without first receiving a report from the Judicial Council. Our constitution charges the Legislature with making the laws. The existing statute is usurping our constitutional mandate. The Legislature should be able to seek advice from the Judicial Council, but should not delegate to the Council its primary constitutional duty to wit, to make the laws. The majority vote of the Committee was that the bill should be reported ought to pass with amendment.



## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

permitting the legislature to establish additional district courts.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Establishing District Courts. Amend RSA 502-A:1-a (supp) as inserted by 1971, 544:5 by striking out said section and inserting in place thereof the following:

502-A:1-a Additional District Courts. The legislature may establish additional district courts if it is apparent that there is a need for a district court in a particular district based on the case load or potential case load, population, existence of adequate court facilities and the distance from the site of the nearest established district court. If all of the foregoing conditions in the judgment of the legislature justify the establishment of a district court, the legislature shall establish such district court. Under all other circumstances the proposal to establish an additional district court may be referred by a regular session of the legislature to the judicial council for its consideration and report, such report to be considered at the next regular session of the legislature: provided that no such additional district court shall be established unless prior to said second regular session of the legislature all courtrooms intended to be included in the proposed district court are rated as "accredited--excellent" by the court accreditation commission.

Amendment adopted.

Ordered to third reading.

HB 267, establishing a Bristol judicial district and a Bristol district court. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

Because of its close proximity to the Plymouth District Court, and due to the absence of testimony indicating a compelling need, it was the vote of the committee to recommend inexpedient to legislate.

Rep. Rounds moved that the words, ought to pass with amendment, be substituted for the Committee report, inexpedient to legislate and spoke to his motion.

Rep. Arthur Perkins spoke against the motion.

Reps. Marshall French and Gemmill spoke in favor of the motion.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 277 NAYS 69

YEAS 277

BELKNAP: Ambrose, Gary Dionne, Marshall French, Michael Hanson, Lawton, Marsh, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Fount, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Chase, Close, Dostilio, Faucher, Fillback, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Oleson, Patenaude, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Clark, Copenhaver, Dearborn, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter, Aubut, Baker, Bednar, Belanger, Bernier, Wilfrid Boisvert, Roland Boucher, Bridges, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, William Desmarais, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Heald, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, LaFleur, Madigan, Marcoux, Martineau, McGlynn, McLaughlin, Miller, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pelletier, Arnold Perkins, Peters, Plomaritis, Polak, Quigley, Paul Riley, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, Carroll, John Cate, Chandler, Foley, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McNichol, Mullin, Packard, Pelton, Pratt, Ralph, Rice, Rich, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Chapman, Collins, Connors, Cummings, Cunningham, Danforth, Davis, Robert Day, Dunfee, Erler, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Coff, Gould, Greene, Griffin, Hartford, Hoar, Kashulines, King, Krasker, Laycock,

Lovejoy, Joseph MacDonald, Donna McEachern, Norton, Parr, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Helen Wilson, Wojnowski, Wolfsen and Zabarsky. STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Hebert, James Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Valley, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Palmer, Scott, Sara Townsend and Tucker.

NAYS 69

BELKNAP: Beard, Bowler, Hildreth, Morin and Nighswander.

CARROLL: Claflin and Keller.

CHESHIRE: Daniel Eaton.

COOS: Fortier, Keough and Poulin.

GRAFTON: Chambers, Cornelius and Crory.

HILLSBOROUGH: Arnold, Barrett, Albert Bellemore, Brody, Joseph Cote, Coutermarsh, Cullity, Currier, Joseph Eaton, Gabrielle Gagnon, Head, Daniel Healy, Kaklamanos, LaPlante, Levesque, Martin Pappas, Paradis, Podles, Record and Wallin.

MERRIMACK: Blakeney, Bodi, Milton Cate, Eugene Daniell, Hess, McLane, Arthur Perkins, Plourde and Doris Riley.

ROCKINGHAM: Aeschliman, Aller, Appel, Blanchette, Carpenito, Cutcliffe, Carl Gage, Grieco, Kane, Joseph McEachern, Nelson, Parolise, Pucci, Rossley, Vlack and Webster.

STRAFFORD: Bruce French, Dianne Herchek, Morrisette, Rod O'Connor, Sackett, Tripp and Voll.

SULLIVAN: Lewko and Lucas, and the motion to substitute ought to pass with amendment prevailed.

#### Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Exception for Bristol District Court. Amend RSA 502-A:1-a (supp) as inserted by 1971, 544:5 by striking out said section and inserting in place thereof the following:  
502-A:1-a Additional District Courts. No district court other than the Merrimack District Court, the Hooksett District Court and the Bristol District Court shall be established after the effective date of this act unless the proposal therefor shall have been referred by a regular session of the legislature to

the judicial council for its consideration and report, such report to be considered at the next regular session of the legislature: provided that no such additional district court shall be established unless prior to said second regular session of the legislature all courtrooms intended to be included in the proposed district court are rated as "accredited-excellent" by the court accreditation commission.

5 Condition Precedent. Sections 1, 2, 3 and 4 of this act shall not take effect until there shall occur a vacancy in the office of justice of the Bristol municipal court.

6 Effective Date. This act shall take effect 60 days after its passage.

The Clerk read the amendment in full.  
Rep. Aller spoke against the amendment.

Amendment adopted.  
Ordered to third reading.

HB 262, reducing the penalty for possession of one ounce or less of marijuana to a violation with a mandatory fine. Majority: Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary. Minority (Reps. Healy, Lewko, Ayles, Mansfield, Aller and Doris J. Riley): Inexpedient to Legislate.

Majority: The bill, as amended, limits the definition of marijuana and addresses itself to the disparity between the crime and the punishment and offers a reasonable approach to the problem for first offenders. The bill gives first offenders the opportunity to change their social patterns without the stigma of incarceration or criminal record. The bill does not legalize marijuana, but merely reduces the criminal penalties associated with the first offense. Minority: The minority of the Committee recognizes the bill's primary objective as the first step to decriminalize the use and possession of a controlled drug by removing penalties for the possession of one ounce or less of marijuana for first offenders and reducing the penalties for subsequent offenses with the ultimate result of weakening and handicapping enforcement agencies in their efforts to carry out their duties in enforcing the narcotic statutes.

#### Amendment

Amend RSA 318-B:1, XV-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XV-a Marijuana means the leaves, stems, flowers and seeds of all species of the plant genus, Cannabis, whether growing or not, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish. Such term

shall also not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

Amend RSA 318-B:26, I, (d) as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

(d) Possesses or has under his control, one ounce or less of marijuana, shall be guilty of a violation and notwithstanding the provisions of Title LXII shall be fined \$100 and for each subsequent offense, shall be guilty of a misdemeanor.

Amendment adopted.

Rep. Daniel Eaton offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

amending the penalty for possession of one ounce or less of marijuana.

Amend RSA 318-B:26, I, (d) as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

(d) Possesses or has under his control, one ounce or less of marijuana, shall be guilty of a violation and notwithstanding the provisions of title LXII shall be fined \$100; and for a second offense shall be guilty of a misdemeanor; and for a third and subsequent offense shall be guilty of a class B felony.

The Assistant Clerk read the amendment in full.

Rep. Daniel Eaton spoke in favor of the amendment.

Amendment lost.

Rep. Daniel Healy moved that HB 262 be indefinitely postponed, and spoke to his motion.

Reps. Daniel Eaton, Grassie, Chambers, Poulin and Coutermarsh spoke against the motion.

Reps. Ayles, Barrus and Dearborn spoke in favor of the motion.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 205 NAYS 167

YEAS 205

BELKNAP: Ambrose, Beard, Marshall French, Mansfield, Marsh, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Faucher, Fillback, Galloway, Anne Gordon, Elmer Johnson, Ladd, Marshala, Matson, Vrakatitsis and Whipple.

COOS: Cooney, Fortier, Horton, Huggins, Keough, George Lemire, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ainley, Aubut, Barrett, Bednar, Emile Boisvert, Wilfrid Boisvert, Bridges, Burke, Carswell, Coburn, Joseph Cote, Margaret Cote, Cullity, William Desmarais, Drewniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Heald, Daniel Healy, George Healy, Howard Humphrey, Karnis, Knight, Lachance, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Martineau, McDonough, McLaughlin, Timothy O'Connor, Orcutt, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Record, Seamans, Simard, Sing, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Wallace, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, James Humphrey, Polly Johnson, LaBonte, Donna MacIvor, Mullin, Plourde, Pratt, Rich, Doris Riley, Shepard, Stockman, Tarr, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, William Boucher, Campbell, Connors, Cummings, Cutcliffe, Danforth, Davis, Robert Day, Erler, Felch, Beverly Gage, Gaskill, Goff, Griffin, Kane, King, Lovejoy, Joseph McEachern, Nelson, Norton, Parolise, Parr, Richards, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Joncas, Kincaid, Lefavour, Maloomian, Meader, Osgood, Preston, Ruel, Torrey, Tripp, Valley and Shirley White

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Ingram, LeBrun, Lewko, Palmer and Scott

NAYS 167

BELKNAP: Bowler, Gary Dionne, Michael Hanson, Hildreth, Lawton, Morin and Nighswander.

CARROLL: Claflin and Found.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Irvin Gordon, Hogan, Krause, Lynch, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry and Terry Wiggins.



COOS: Burns, Bradley Haynes, Hunt, Oleson, Patenaude, Poulin and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, Stomberg, Taylor and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Arnold, Baker, Belanger, Albert Bellemore, Bernier, Roland Boucher, Brody, Colson, Mark Connolly, Corser, Coughlin, Coutermarsh, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Joseph Eaton, Girolimon, Cort Hansen, Head, Thomas Hynes, Kaklamanos, Keefe, LaFleur, Martin, McGlynn, Miller, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Pappas, Peters, Edward Smith, Leonard Smith, Spirou, Stahl, Van Loan, Wallin, James J. White and M. Arnold Wight.

MERRIMACK: Blakeney, Bodi, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Kidder, McLane, McNichol, Packard, Pelton, Arthur Perkins, Ralph, Rice, Gerald Smith, Doris Thompson, Trachy, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blake, Blanchette, Carpenito, Chapman, Collins, Cotton, Cunningham, Dunfey, Flanagan, Carl Gage, Ganley, Gould, Greene, Grieco, Hartford, Hoar, Kashulines, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Pucci, Quimby, Rogers, Rossley, Sanborn, Scamman, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Lessard, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Voll and Allen Wilson.

SULLIVAN: Gray, Lucas, Spaulding, Sara Townsend and Tucker, and HB 262 was indefinitely postponed.

Rep. Paul Riley wished to be recorded in favor of HB 262.

#### VACATE

Rep. Arthur Perkins moved that the House vacate the reference of HB 502, making an appropriation for construction of a facility for the criminally insane on the grounds of the New Hampshire hospital, to the committees on Judiciary and State Institutions and re-refer said bill to the committees on Public Works and State Institutions.

Adopted.

#### SUSPENSION OF RULES

Reps. Milton Cate and Marshala moved that the rules be so far suspended as to permit the Committees on State Institutions and Public Works to hold a hearing, take executive action and report after the deadline set by Rule 58 on HB 502, making an appropriation for construction of a facility for the criminally insane on the grounds of the New Hampshire hospital.

Adopted by the necessary two-thirds.

#### SUSPENSION OF RULES

Reps. Arthur Perkins and James Murray moved that the rules be so far suspended as to permit the Committees on Judiciary and Transportation to hold a hearing, take executive action and report after the deadline set by Rule 58 on HB 503, relative to establishing a driver alcohol retraining program and making an appropriation therefor.

Adopted by the necessary two-thirds.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills of Intent numbered 2011 through 2015 be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF BILLS

First, second reading and referral  
HBI 2011, Relating to:  
reorganization of state regulatory boards. (Rossley of Rockingham Dist. 23 - To Executive Departments and Administration)

HBI 2012, Relating to: licensing masons and bricklayers for the construction of fireplaces. (Kashulines of Rockingham Dist. 3-A - To Commerce and Consumer Affairs)

HBI 2013, Relating to: abandoned railroad tracks and their effect on the motor vehicle laws. (Smith of Merrimack Dist. 21 - To Transportation)

HBI 2014, Relating to: energy emergencies. (Sanborn of Rockingham Dist. 9 - To Legislative Administration)

HBI 2015, Relating to: the Rochester city charter. (Grassie of Strafford Dist. 12; Burchell of Strafford Dist. 12; Wilson of Strafford Dist. 11 - To Municipal and County Government)

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 797 through 819 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral  
HB 797, relative to the method of payment to certain employees of the greyhound racing commission. (C. Winn of Hillsborough Dist. 19; Coutermarsh of Hillsborough Dist. 24; Sen. Bergeron of Dist. 6 - To Executive Departments and Administration)

HB 798, establishing a house committee to investigate the rate structure of the New England telephone company. (Murray of Belknap Dist. 5 - To Legislative Administration)



HB 799, including divorce among the events that are reportable to the registrar of vital statistics. (O'Connor of Strafford Dist. 18; Blanchette of Rockingham Dist. 14; White of Strafford Dist. 8; Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24 - To Executive Departments and Administration)

HB 800, relative to reporting induced terminations of pregnancy. (Wilson of Rockingham Dist. 2; Kelly of Strafford Dist. 19 - To Executive Departments and Administration)

HB 801, relative to providing certain additional documents when applying for a marriage license. (Blanchette of Rockingham Dist. 14; Brody of Hillsborough Dist. 24; Dion of Hillsborough Dist. 21 - To Executive Departments and Administration)

HB 802, relative to the system of birth registration. (Nighswander of Belknap Dist. 2; J. Herchek of Strafford Dist. 16; White of Strafford Dist. 8; Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24 - To Executive Departments and Administration)

HB 803, relative to insuring the proper disclosure of information from vital records. (O'Connor of Strafford Dist. 18; Kelly of Strafford Dist. 19; White of Strafford Dist. 8; J. Herchek of Strafford Dist. 16; Dion of Hillsborough Dist. 21; Brody of Hillsborough Dist. 24 - To Executive Departments and Administration)

HB 804, conforming the New Hampshire clean air act to the requirements of the federal environmental protection agency. (Greene of Rockingham Dist. 17, for the Office of Attorney General - To Environment and Agriculture)

HB 805, providing an opportunity for absentee balloting at any election which uses an official ballot. (Dickinson of Carroll Dist. 2; Tarr of Merrimack Dist. 17; Head of Hillsborough Dist. 10; Lessard of Strafford Dist. 20 - To Statutory Revision)

HB 806, defining the terms "new vehicle" and "used vehicle" in the uniform motor vehicle certificate of title and anti-theft act. (Murray of Belknap Dist. 5; Sing of Hillsborough Dist. 23; Close of Cheshire Dist. 15; Eaton of Hillsborough Dist. 1; Coutermarsh of Hillsborough Dist. 24; Plourde of Merrimack Dist. 7 - To Transportation)

HB 807, authorizing the commissioner of safety to grant police powers to title investigators. (Sing of Hillsborough Dist. 23; Close of Cheshire Dist. 15; Eaton of Hillsborough Dist. 1; Coutermarsh of Hillsborough Dist. 24; Plourde of Merrimack Dist. 7; Murray of Belknap Dist. 5 - To Transportation)

HB 808, providing for the suspension or revocation of dealer transporter or utility registration privileges for violation of certain provisions of the certificate of title law. (Eaton of Hillsborough Dist. 1; Close of Cheshire Dist. 15; Plourde of Merrimack Dist. 7; Coutermarsh of Hillsborough Dist. 24;

Murray of Belknap Dist. 5; Sing of Hillsborough Dist. 23 - To Transportation)

HB 809, relative to staff requirements for the bureau of certificate of title in the division of motor vehicles of the department of safety. (Close of Cheshire Dist. 15; Murray of Belknap Dist. 5; Plourde of Merrimack Dist. 7; Eaton of Hillsborough Dist. 1; Sing of Hillsborough Dist. 23; Coutermarsh of Hillsborough Dist. 24 - To Transportation)

HB 810, requiring the director of the division of motor vehicles to promulgate rules for the bureau of certificate of title. (Plourde of Merrimack Dist. 7; Close of Cheshire Dist. 15; Eaton of Hillsborough Dist. 1; Sing of Hillsborough Dist. 23; Murray of Belknap Dist. 5; Coutermarsh of Hillsborough Dist. 24 - To Transportation)

HB 811, increasing the fees paid to county medical referees. (Hanson of Merrimack Dist. 5 - To Municipal and County Government)

HB 812, establishing an order of distribution of assets of insolvent insurers. (Burns of Coos Dist. 4 - To Commerce and Consumer Affairs)

HB 813, relative to capital punishment. (Stefanides of Merrimack Dist. 14 - To Judiciary)

HB 814, amending the eminent domain procedure act. (Aller of Rockingham Dist. 13; Cornelius of Grafton Dist. 13 - To Judiciary)

HB 815, relative to tenancies in mobile home parks. (Sweeney of Hillsborough Dist. 34 - To Statutory Revision)

HB 816, relative to requiring a public hearing prior to reclamation of any pond by the fish and game department. (Corser of Hillsborough Dist. 2 - To Fish and Game)

HB 817, relative to privileged communications between religious leaders and penitents. (Taffe of Grafton Dist. 5 - To Constitutional Revision)

HB 818, requiring high school students to pass a standard examination to graduate. (Hildreth of Belknap Dist. 6 - To Education)

HB 819, relative to complaint on labor grievance and time required to act thereon. (Hanson of Merrimack Dist. 5 - To Labor, Human Resources and Rehabilitation)

The Speaker called upon Rep. McLane, Chairman of Ways and Means Committee, who reported to the House the estimated revenues of the state as called for in House Rule 32.

HOUSE WAYS AND MEANS COMMITTEE  
 GENERAL FUND  
 UNRESTRICTED REVENUE ESTIMATES  
 FOR FISCAL YEAR ENDING JUNE 30

	1977		
	Estimate of 2/24/77	Revised Estimate	Increase Decrease
Beer	\$ 4,450,000	\$ 4,450,000	
Board and Care	7,800,000	7,800,000	
Business Profits Tax	30,500,000	30,500,000	
Estate and Legacy Tax	6,000,000	6,600,000	+600,000
Insurance	9,725,000	9,725,000	
Liquor	30,300,000	30,050,000	-250,000
Meals and Rooms	9,800,000	9,800,000	
Other	8,300,000	8,300,000	
Dog Racing	8,950,000	9,100,000	+150,000
Harness Racing	2,250,000	2,250,000	
Thoroughbred Racing	4,500,000	4,500,000	
Telephone	6,020,000	6,020,000	
Tobacco	27,100,000	26,600,000	-500,000
Utilities	1,900,000	1,600,000	-300,000
Parks Income	-	-	
Total	<u>\$157,595,000</u>	<u>\$157,295,000</u>	<u>-300,000</u>

Prepared for Ways and Means  
 March 29, 1977, LBAO

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Spirou, Roberts, Marshall French, Tucker, Bridges, Douglas Aller, Griffin, Arthur Perkins, Martin, Chambers, Coutermarsh, Plourde, Cecelia Winn, Krasker and Hildreth offered the following:

#### HOUSE RESOLUTION NO. 23

relative to providing for the protection and expansion of the shoe manufacturing industry in New Hampshire and to petition the President of the United States to determine that a system of relief controlling the import of foreign manufactured shoes be established in order to provide effective, affirmative relief for the domestic shoe industry as called for in the Trade Act of 1974 and to direct the Secretary of State to transmit forthwith such resolution to the President of the United States.

WHEREAS, the shoe manufacturing industry in New Hampshire has, for two centuries, contributed major benefits to the economic welfare of our state, our communities, and our citizens, and

WHEREAS, the International Trade Commission has unanimously found on two occasions in the past year that the domestic shoe industry has "suffered substantial and severe injury" due to the rising tide of shoe imports, and

WHEREAS, basic to our trade relations with other nations is the recognition that such trade must be conducted in an atmosphere of mutual benefit and equity, and

WHEREAS, current foreign trade policies of this nation seriously discriminate against the shoe manufacturing industry in New Hampshire and in other sovereign states thereby creating severe economic decline and widespread unemployment as well as the nullification of opportunity for expansion which would provide additional employment for our citizens, and

WHEREAS, such discriminatory and inequitable conduct of our International Trade Policy caused by the failure of the Federal government to adequately protect the industry and its employees has resulted in "substantial and severe" injury to our national domestic shoe industry thereby compromising the basic tenets of our free enterprise system, and

WHEREAS, the Chief Executives of two-thirds of our sovereign states have joined together in a petition to the President of the United States asking for affirmative relief for our domestic shoe industry; now, therefore, be it

RESOLVED by the House of Representatives:

That we do hereby urge and support protection and expansion of the shoe manufacturing industry in New Hampshire and do hereby petition the President of the United States to determine that a system of relief controlling the import of foreign manufactured shoes be established in order to provide effective, affirmative

relief for the domestic shoe industry as called for in the International Trade Act of 1974; now, therefore, be it

RESOLVED that the Secretary of State be directed to transmit forthwith a copy of this Resolution to the President of the United States.

The Assistant Clerk read the resolution in full.

Reps. Spirou and Marshall French spoke in favor of the resolution.

Rep. Sanborn moved that House Resolution No. 23 be made a special order for Thursday next and spoke to his motion.

Rep. Lyons spoke in favor of the resolution.

Reps. Rod O'Connor, Marshall French, Spirou and Hoar spoke against the motion.

Rep. Scamman moved the previous question. Sufficiently seconded. Adopted. Motion lost.

House Resolution No. 23 adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Griffin offered the following:

#### HOUSE RESOLUTION NO. 22

offering the people of the Islands of Nantucket and Martha's Vineyard full rights of citizenship in the state of New Hampshire.

WHEREAS, the people of Nantucket Island and Martha's Vineyard, in the sovereign Commonwealth of Massachusetts, have expressed their desire to secede from that Commonwealth as a result of the recently approved reapportionment of the Great and General Court of the Commonwealth of Massachusetts; and

WHEREAS, the people of New Hampshire have long looked upon their neighbors to the South with the compassion to be expected from citizens of this nation's most democratic state; and

WHEREAS, New Hampshire's long tradition of providing a haven for the oppressed and the disenfranchised makes the people of this state particularly sensitive to the plight of all non-residents of New Hampshire; and

WHEREAS, the addition of the 140 square mile land area of these islands to our state would give New Hampshire increased weight in national and international affairs; and

WHEREAS, the addition of the 250 miles of coastline of these two islands to the coastline of New Hampshire would increase by more than 15 times our state's present coastline; and

WHEREAS, the adoption of the 14,000 people inhabiting these two islands into the citizenry of New Hampshire would, under our formula for representation in the House of Representatives, give the people of these islands eight representatives in the House while they have not a single representative in the General Court of Massachusetts and would evidence to the nation our superior system of democratic government.

NOW, THEREFORE, BE IT RESOLVED:

That the state of New Hampshire offer to the people of the islands of Nantucket and Martha's Vineyard full rights of citizenship in the state of New Hampshire upon their taking an oath of allegiance to the free, independent, sovereign - and friendly - state of New Hampshire.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded by the Secretary of State to the chairman of the board of selectmen of Martha's Vineyard and Nantucket Island.

The Clerk read the resolution in full.  
Resolution adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 31 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 159, relative to equine infectious anemia.

HB 315, permitting trustees of trust funds of towns to hire or employ trust departments of banks to assist in the management and investment of trust fund resources.

HB 324, relative to the taking of bobcat and fisher.

HB 3, permitting the legislature to establish additional district courts.

HB 27, establishing the Meredith district court.

HB 202, establishing a Pittsfield judicial district and a Pittsfield district court.

HB 132, prohibiting the transfer of property within 3 years of applying for town assistance.

HB 267, establishing a Bristol judicial district and a Bristol district court.

#### RECONSIDERATIONS

Rep. Douglas Aller moved that the House reconsider its action whereby it passed HB 3, permitting the legislature to establish additional district courts.

Reconsideration lost.

Rep. Marshall French moved that the House reconsider its action whereby it passed HB 27, establishing the Meredith district court.

Reconsideration lost.

Rep. Rounds moved that the House reconsider its action whereby it passed HB 267, establishing a Bristol judicial district and a Bristol district court.

Reconsideration lost.

#### COMMITTEE ASSIGNMENT

Rep. Irvin Gordon on Transportation.

352 members were recorded as present.

#### RECESS

Rep. Marshall French moved that the House adjourn.

Adopted.



# HOUSE JOURNAL 22

*Thursday, 31 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain,  
Milton L. Smith, Sr.  
Not in the clamor of the crowded street,  
Nor in the shouts and plaudits of the  
throng,  
But in ourselves, are triumph and  
defeat.

- Henry Wadsworth Longfellow from  
"The Poets"

Here we are once more in the midst of  
the shouts and clamor of the forum. Games  
will be played, victories will be won and  
pretended, the very "guts" of some will be  
poured out in support of an issue and  
others will hardly know who or where they  
are, the gavel will fall and some will  
sleep on, history is at stake and some will  
only live in their own world. God awaken  
us. Stir us into life. Let us know the  
triumph today that comes in knowing we have  
served You and our brothers and sisters,  
with good government, our calling here at  
this time and in this place. Amen!

Rep. Wiviott led the Pledge of  
Allegiance.

## LEAVES OF ABSENCE

Reps. Anthony Randall, Frizzell,  
Burrows, Forsaith Daniels, Morgan, Mullin,  
Pelton, LaFleur and Crotty, the day,  
illness.

Rep. George Lemire, the day, death in  
family.

Reps. Nighswander, Russell, Doris  
Riley, Brack, Niebling, Maglaras, Chapman,  
Kane, Russell, Stahl, Grieco and Hartford,  
the day important business.

## INTRODUCTION OF GUESTS

Former Representative Laurence J.  
Gillis of Hampton, Mrs. John Dunfey and  
Philip Dunfey, mother and brother, guests  
of Steve Dunfey; Mr. Erny Gray and Paul  
Gray, guests of Rep. William Boucher;  
Peter Shell of London, England, guest of  
Rep. Foley.

## SENATE MESSAGES

### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 74, relating to the regulation of  
polygraph examiners. (Commerce and  
Consumer Affairs)

SB 71, providing for state assistance  
to persons suffering from hemophilia and  
making an appropriation therefor. (Health  
and Welfare)

SB 30, enabling regional refuse  
disposal districts to create capital  
reserve funds. (Environment and  
Agriculture)

SB 53, relative to vanpooling.  
(Transportation)

## FURTHER SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT  
HB 157, relative to determining the  
compensation to be allowed the collector  
of taxes. (Amendment printed SJ 3/23 and  
24)

Rep. Marshall French moved that the  
House concur.

Adopted.

HB 369, extending certain capital  
appropriations. (Amendment printed SJ 3/22)

Rep. Michael Hanson moved that the  
House concur.

Adopted.

## VACATE

Rep. Gemmill moved that the House  
vacate the reference of HB 760,  
authorizing the trustees of the New  
Hampshire retirement system to delegate  
the power to make investment decisions, to  
the committee on Education and re-refer  
said bill to the committee on Executive  
Departments and Administration.

Adopted.

A quorum count was requested.

The Speaker declared a quorum present.

## COMMITTEE REPORTS

(Consent Calendar)

Rep. Marshall French moved that the  
House adopt the committee recommendation  
of Inexpedient to Legislate on HBs 476,  
530, 589, 293, 344, 482, 614, 438, 334,  
383, 407, 340, 552, 440 and SB 11, and  
further moved that the House adopt the  
committee recommendation of Ought to Pass  
on HBs 610, 320, 321, 347, 394, 395, 569,  
437, 434, 312, 348, 400, 435, 352, 520,  
525, 361 and SB 65, and further moved that  
the House adopt the committee  
recommendation of Ought to Pass with  
Amendment on HBs 345, 448 and 433, and  
further moved that the House adopt the  
committee recommendation of Refer to the  
Committee on Judiciary for Interim Study  
on HB 81.

HB 340 was withdrawn from the Consent  
Calendar at the request of Rep. D'Amante.  
Adopted.

HB 476, providing for payment of a  
claim to John F. Zvacs of Gilmanton and  
making an appropriation therefor.  
Inexpedient to Legislate. Rep. Paul Riley  
for Claims, Military and Veterans Affairs.  
Sponsor desired to withdraw the bill.

HB 530, providing for payment of a  
claim to David Laurie and making an  
appropriation therefor. Inexpedient to  
Legislate. Rep. Fillback for Claims,  
Military and Veterans Affairs.  
Sponsor desired to withdraw the bill.

HB 589, providing for payment of claim  
to Mrs. Arthur Larrivee and making an  
appropriation therefor. Inexpedient to  
Legislate. Rep. Levesque for Claims,  
Military and Veterans Affairs.

Sponsor desired to withdraw the bill.

HB 293, relative to legal investments for savings banks. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

Inexpedient at request of sponsor.

HB 344, relative to electrical installations in a single family residence. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

Inexpedient at request of sponsor.

HB 482, relative to the high school equivalency examination and school attendance. Inexpedient to Legislate. Rep. Beard for Education.

This bill is not necessary as present departmental regulations permit the intent of the sponsor. Vote in Committee was 15 - 0.

HB 614, relative to school employees found under the influence of alcohol or drugs. Inexpedient to Legislate. Rep. Henry Richardson for Education.

The regulations of the State Board of Education are adequately supportive of the present powers, authority and duties of the superintendents and principals in policing employees. Committee vote was 16 - 0.

HB 438, adding the radio dispatcher of fish and game to group II of the New Hampshire retirement system. Inexpedient to Legislate. Rep. Sara Townsend for Executive Departments and Administration.

The position does not qualify under the definition of hazardous duty as in the RSA dealing with group II retirement. Vote was 15 - 2.

HB 334, establishing a Pembroke district court. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

There being no testimony to justify the creation of a Pembroke District Court it was the unanimous vote of the Committee to recommend inexpedient to legislate.

HB 383, authorizing certain judicial discretion in sentencing for violations and misdemeanors. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

The Committee felt that this was more the discretion of the prosecution than the judiciary.

Social and welfare agencies are already over-burdened without having to rehabilitate persons for violations or misdemeanors.

HB 407, relative to notice to state officers of actions against the state. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

There are adequate notice provisions under existing statutes, therefore the Committee voted inexpedient to legislate.

HB 552, authorizing a joint survey by the department of resources and economic development and the department of public works and highways to determine the cost of replacing the Hampton beach seawall and making an appropriation therefor. Inexpedient to Legislate. Rep. Cummings for Public Works.

This bill is covered by the surveys and studies already made so that further study is not necessary at this time.

HB 440, forbidding the carrying of firearms on OHRV's. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee feels that this bill was ill-conceived. The complete elimination of firearms from off-highway recreational vehicles is unnecessary and too limiting on the great number of New Hampshire citizens who ride a large variety of OHRV's. The Committee's intent is that HB 440 is inexpedient to legislate.

SB 11, relative to a short form mortgage or deed of trust. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

The Committee is of the opinion that the bill which permits the recording of a short form mortgage or deed of trust incorporating by reference provisions of a previously recorded Master Form at Registry of Deeds, is a procedure that leaves serious doubt whether parties executing such short forms would be fully informed as to the provisions of the incorporated Master Form and the legal significance thereof.

HB 610, granting certain disabled veterans toll-free use of New Hampshire turnpikes. Ought to Pass. Rep. Parolise for Claims, Military and Veterans Affairs.

By a vote of 9 - 2 the Committee agreed that "service connected totally disabled veterans" and "service connected blind veterans," who already have special "veteran" license plates, should be permitted free use of the state's toll highways. Considering that the number of "veteran" plates is 292, out of a total of 504,945 passenger plates, the financial loss to the state would be trivial. Referred to Appropriations.

HB 320, relative to secured loaning authority of cooperative banks, building and loan associations and savings and loan associations. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

Because of inflation this bill is necessary.

HB 321, relative to applications for mortgage loans from cooperative banks, building and loan associations and savings and loan associations. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This is a definite reason for making or not making a loan by the bank.

HB 347, relative to the maximum time period for the amortization of loans. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This bill provides more flexibility for the bank and is a definite asset to the banking industry.

HB 394, relative to the use of funds of credit unions. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

If the investment of another credit union will give a better return and is a safe investment there is no reason why they should not have this authority.

HB 395, relative to retirement accounts for credit unions. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

There is no reason why the credit unions should not be in the position to act as trustees as any other bank or financial institution.

HB 569, amending the charter of Coe-Brown Northwood academy. Ought to Pass. Rep. Keefe for Education.

This bill increases to \$1,000,000 the corporate limit of Coe-Brown Academy to cope with present day trends in terms of increasing costs. Unanimous.

HB 437, removing the requirement that assistants and employees of the state racing commission be paid on a per diem basis. Ought to Pass. Rep. Close for Executive Departments and Administration.

Purpose of the bill is to set salary schedule more equitable than the flat per diem rate. Committee vote was 15-0.

Referred to Appropriations.

HB 434, relative to certification of shared homes for adults. Ought to Pass. Rep. Dostilio for Health and Welfare.

This bill was requested by the Department of Health and Welfare, Division of Welfare, it modifies RSA 161:2, IV-a by specifying that shared homes are subject to this provision whether or not they are shared in whole or in part. It also specifies that the Department of Welfare must supervise and certify such homes as to the maximum number of persons who may live there, and as to the compliance of standards set by the Division of Welfare.

Referred to Appropriations.

HB 312, relative to the commission on human rights. Ought to Pass. Rep. Arthur Perkins for Judiciary.

Purpose of the bill would increase the time limitation in which to file a complaint for discriminatory practices from 90 to 180 days.

HB 348, relative to the eligibility of jurors to serve again. Ought to Pass. Rep. Arthur Perkins for Judiciary.

Present law prohibits jurors from serving more frequently than once every six years. This bill would reduce the prohibition to three years.

HB 400, relative to the place and time of detention of arrestees. Ought to Pass. Rep. Daniel Healy for Judiciary.

The majority of the Committee feels the additional exception of Saturdays to the present statute causes no unreasonable delay to persons arrested and provides protection of his or her legal rights while adding to the efficient operation of our court system.

HB 435, lowering the age at which the minimum hourly wage applies. Ought to Pass. Rep. Skinner for Labor, Human Resources and Rehabilitation.

This bill legally drops the age eligibility for minimum wage one year, but throughout most of the state it is already being done. The Committee intends for this legislation to clarify the situation and allow 18 year olds to be paid the minimum wage across the board. This bill was considered deserving for the 18 year old and the vote was unanimously in favor.

HB 352, relative to the recording of agreements resolving boundary disputes in those registries recording on microfilm. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

This bill is simply a housekeeping measure to bring the statutes in line with current practices of those registries recording on microfilm.

HB 520, appropriating funds for construction to protect Hampton beaches. Ought to Pass. Rep. Fortier for Public Works.

This bill makes an appropriation of \$250,000 for construction of seawalls or other structures required to protect Hampton beaches, and authorizes bonds to fund the appropriation, as required by RSA 159:3.

Referred to Appropriations.

HB 525, authorizing a transfer of funds between two projects in the 1975 capital budget. Ought to Pass. Rep. Griffin for Public Works.

This bill authorizes the Governor and Council to transfer up to \$30,000 for the amount appropriated for the Department of Safety Office Building to the amount appropriated for the construction of the Troop A/Substation. Referred to Appropriations.

HB 361, relative to the penalty provisions for violations of statutes and rules pertaining to aeronautics. Ought to Pass. Rep. James Murray for Transportation.

The intent of this Committee and the Legislature should this bill pass is to make the first violation of the



sections of RSA 422, pertaining to aeronautics, punishable by a violation not a misdemeanor. This puts the punishment more in line with the crime and is more fair to our citizens flying aircraft.

SB 65, relative to requiring certain information to be included in correspondence from state agencies. Ought to Pass. Rep. Close for Executive Departments and Administration.

This excellent legislation will require each state official or employee to include in correspondence to the general public, certain information (name, office address and telephone number) which will enable the public to contact such officer or employee more easily. Vote was 18-1. Referred to Appropriations.

HB 345, relative to the appointment of assistant secretaries of state. Ought to Pass with Amendment. Rep. Sara Townsend for Executive Departments and Administration.

The need for this kind of legislation became evident during the Wyman-Durkin election. The amendment sets a time limit of up to six months for the employment of such assistants to the Secretary of State. Unanimous vote.

#### Amendment

Amend RSA 5:2-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:  
5:2-a Assistant Secretaries of State.

The secretary of state may appoint, with the approval of the governor and council, one or more assistant secretaries of state for not more than 6 months. The compensation of an assistant secretary of state shall be determined by the secretary of state with the approval of the governor and council. An assistant secretary of state shall serve at the pleasure of the secretary of state, who shall be responsible for such assistant's conduct during the assistant's term of appointment hereunder. As assistant secretary of state appointed under this section shall exercise the duties and functions delegated to him and all duties and functions exercised by him while so acting shall have the same validity and effect as though performed by the secretary of state or the deputy secretary of state, as the case may be.

Referred to Appropriations.

HB 448, relative to retirement benefits for judicial referees. Ought to Pass with Amendment. Rep. Sara Townsend for Executive Departments and Administration.

This bill remedies an oversight in the previous retirement statute. The amendment makes this bill effective immediately. Committee unanimous. Referred to Appropriations.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

HB 433, to create and provide police powers for a New Hampshire hospital security force. Ought to pass with amendment. Rep. Nemzoff-Berman for State Institutions.

This bill creates and provides police powers for a New Hampshire Hospital security force. The bill is necessary since deputization by the Concord Police Department will terminate on June 30, 1977.

The amendment was added at the request of the Laconia State School and the New Hampshire State Prison.

The vote was unanimous.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to create and provide police powers for a security force for the New Hampshire hospital, the Laconia state school and the New Hampshire state prison  
Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Laconia State School Security Force. Amend RSA 126-A by inserting after section 30 the following new sections:

126-A:30-a Laconia State School Security Force. The superintendent of the Laconia state school is authorized to organize a school security force for the purpose of patrolling the school's buildings, roads, and grounds and providing for general security at the school. The school security force shall be under the control of and responsible to the superintendent of the school.

126-A:30-b Authority. All security officers of the school security force shall be ex officio constables and shall possess general police powers including the power of arrest, but such powers shall extend only to the confines of the school grounds and only to the period during which such members are on official active duty. The only 2 instances where the authority of members of the school security force shall extend beyond the school grounds are:

I. Where a member of the security force is in hot pursuit of a person or persons who have committed a crime or violation while on school grounds; and

II. Where a member of the school security force is acting to return a court committed patient to the school's custody.

126-A:30-c Training.

I. The superintendent of Laconia state school shall require that all employees hired as security officers subsequent to the effective date of RSA 126-A:30-a - 30-c and all security officers who have not become permanent



employees prior to the effective date of said sections complete a program of police training as established by the police standards and training council pursuant to RSA 105-A.

II. For employees hired subsequent to the effective date of RSA 126-A:30-a-30-c and those security officers who have not become permanent employees prior to the effective date of said sections, successful completion of the police training program provided for in RSA 105-A shall be a mandatory condition of employment.

III. Security officers already serving under permanent appointment on the effective date of RSA 126-A:30-a-30-c shall not be required to meet any requirements of paragraph I as a condition of tenure or continued employment.

3 New Hampshire State Prison Security Force. Amend RSA 622 by inserting after section 37 the following new subdivision: State Prison Security Force

622:38 State Prison Security Force. The warden of the New Hampshire state prison is authorized to organize a prison security force for the purpose of patrolling the prison's buildings, roads, and grounds and providing for general security at the prison. The prison security force shall be under the control of and responsible to the warden of the prison.

622:39 Authority. All security officers of the prison security force shall be ex officio constables and shall possess general police powers including the power of arrest, but such powers shall extend only to the confines of the prison grounds and only to the period during which such members are on official active duty. The only 2 instances where the authority of members of the prison security force shall extend beyond the prison grounds are:

I. Where a member of the security force is in hot pursuit of a person or persons who have committed a crime or violation while on prison grounds; and

II. Where a member of the prison security force is acting to return a court committed inmate to the prison's custody.

622:40 Training.

I. The warden of New Hampshire state prison shall require that all employees hired as security officers subsequent to the effective date of this subdivision and all security officers who have not become permanent employees prior to the effective date of this subdivision complete a program of police training as established by the police standards and training council pursuant to RSA 105-A.

II. For employees hired subsequent to the effective date of this subdivision and those security officers who have not become permanent employees prior to the effective date of this subdivision, successful completion of the police training program provided for in RSA 105-A shall be a mandatory condition of employment.

III. Security officers already

serving under permanent appointment on the effective date of this subdivision shall not be required to meet any requirements of paragraph I as a condition of tenure or continued employment.

4 "Permanent Policeman" Further Defined. Amend RSA 100-A:1, VII (supp) as inserted by 1967, 134:1 as amended by striking out said paragraph and inserting in place thereof the following:

VII. "Permanent policeman" shall mean any person, male or female, who is a chief, deputy chief, marshal, deputy marshal, colonel, major, captain, lieutenant, sergeant, officer of other rank, commissioner of safety, field representative of the police standards and training council, director of fish and game, inspector, chief clerk, clerk, radio dispatcher, radio engineer or operator, patrolman, trooper, detective, investigator, mechanic, electrician, laboratory worker or other technical expert regularly employed on full-time duty by a police department or police force of the state, or of any county, city, town, village or precinct in the state and permanent correctional line personnel of the state prison, including directors of treatment, the warden, deputy wardens, the superintendent of prison industries, permanent civilian employees of prison industries, permanent classified maintenance, farm and kitchen personnel, rehabilitation counselors, and permanent security officers of New Hampshire hospital. In all cases of doubt, the board of trustees shall determine whether any person is a permanent policeman as defined herein.

3 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 81, increasing the penalty for assault which causes bodily injury. Refer to the Committee on Judiciary for Interim Study. Rep. Arthur Perkins for Judiciary. The purpose of the bill would increase the penalty from a misdemeanor for bodily injury to a class B felony. A subcommittee was established and the Attorney General's office suggested redefining the entire assault section of the Criminal Code to incorporate serious bodily injury and to define assault into varying degrees. Because of the complexity which presented itself, the Committee thought to take a position at this time, without further study, would be inappropriate.

#### COMMITTEE REPORTS (Regular Calendar)

HB 99, relative to permitting an accountant to advertise. Ought to pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

1. Allows accountants to advertise
2. Places two consumer advocates on the board of accountancy
3. All matters can now be deliberated by the entire board and voted on.

4. Encourages the perpetuation of registered accounting practitioner to meet the needs of the public at a bookkeeping level
5. Staggers the appointments of board membership.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the board of accountancy and allowing accountants to advertise.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Accountancy Board; Membership Changed. Amend RSA 309-A:2 (supp) as inserted by 1971, 523:1 by striking out said section and inserting in place thereof the following:

#### 309-A:2 Board of Accountancy.

I. There shall be a board of accountancy consisting of 6 members to be appointed by the governor with the advice and consent of the council. Two of the members of said board shall be certified public accountants who have held certificates as such from the state of New Hampshire for a period of at least five years immediately preceding their appointment, and at least one of said certified public accountants shall be actively engaged in the practice of public accountancy at the time of his appointment. Two of the members of the board shall be public accountants, who at the time of their appointment shall be licensed as public accountants under the provisions of RSA 309-A:8, and for a period of at least five years immediately preceding their appointment, shall have been actively engaged in the practice of public accountancy. Two of the members of the board shall be members of the public who are not accountants, licensed or registered under RSA 309-A, and who do not provide or work for a firm which provides accounting or management consulting services. These members shall represent the interests of the public.

Commencing with appointments made from and after January 1, 1980, accounting practitioners may be appointed to the board in place of one or both public accountant members.

Each member shall be appointed for a term of five years and until his successor is appointed and qualified except that, beginning with appointments commencing in September, 1977, the governor and council shall cause a member to be appointed each year thereafter as each term of office expires for the following terms:

- One certified public accountant member - 3 years;
- One certified public accountant member - 5 years
- One licensed public accountant member - 2 years;
- One licensed public accountant member - 5 years;
- One public member - one year;

One public member - 4 years.

No person shall be appointed to serve more than 2 terms. Appointment to fill an unexpired term is to be considered as serving a complete term. Vacancies shall be filled by the governor with the advice and consent of the council for the unexpired term. The governor with the advice and consent of the council may remove any member of the board for neglect of duty or other just cause.

The board shall organize by the election of a chairman and a secretary-treasurer and may make all rules and regulations necessary to carry into effect the purposes of this chapter. Such rules and regulations shall be published and a copy delivered to all persons certified, licensed or registered under this chapter. A quorum shall consist of not less than four members one of whom shall be a public accountant or accounting practitioner member.

The board shall have a seal which shall be judicially noticed. The board shall keep a record of all proceedings and actions by and before the board, and in any proceeding in a court, the certificate under seal of the board shall be prima facie evidence of any proceeding or action by or before the board stated in the certificate.

II. Members of the board shall be compensated in the amount of \$25 a day for each day actually engaged in the duties of the office. In addition, the secretary-treasurer shall be compensated in an amount to be determined by the board, but not to exceed \$1,200 per annum. The board shall have printed and published for public distribution periodically, a register which shall contain the names, arranged alphabetically by classifications, of all persons holding certificates, licenses or registrations and having current permits to practice under this chapter; the names of the members of the board; and such other matters as may be deemed proper by the board. Copies of said registers shall be mailed to each certificate holder, each license holder, and each registration holder.

III. The board shall promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy, which code of ethics shall be binding on all persons practicing public accountancy temporarily or permanently in this state, provided that no such rules shall prohibit an accountant from advertising his name, place of business, hours, professional or academic credentials, field of concentration and fee schedule. At least 60 days prior to the promulgation of any such rule or amendment, the board shall mail copies thereof to all holders of certificates or licenses, or registrations issued under this chapter. Such copies shall contain a notice advising the addressee of the proposed effective date of the rule or amendment and requesting

that he submit his comments thereon, if any, at least 15 days prior to such effective date. Such comments shall be advisory only.

#### 2 Experience Requirements Changed.

Amend the introductory paragraph of RSA 309-A:4, III (supp) as inserted by 1971, 523:1 by inserting in line one after the word "agency" the following (or private industry) so that said paragraph as amended shall read as follows:

Experience obtained in the employment of a governmental agency or private industry in the following areas may be accepted by the board in its discretion as qualifying experience under this section:

#### 3 Educational Requirements Changed.

Amend RSA 309-A:4, IV (supp) as inserted by 1971, 523:1 by inserting in line 3 after the word "examination" the following (or to a person licensed under RSA 309-A:8, I or II) so that said paragraph as amended shall read as follows:

IV. None of the educational requirements specified herein shall apply to a candidate who, on the effective date of this chapter, has applied to and has been accepted by the board to take the examination or to any person licensed under RSA 309-A:8, I or II.

4 Examination Times Changed. Amend RSA 309-A:5 (supp) as inserted by 1971, 523:1 by striking out said section and inserting in place thereof the following:

309-A:5 Examination. Any person who meets the requirements for a certificate except the requirement for experience shall be entitled to be examined. The board may make such use of all or part of the Uniform Certified Public Accountant's Examination and Advisory Grading Service as it deems appropriate to assist it in performing its duties hereunder. All examinations shall be conducted by the board at a time and place designated by the board, and shall take place as often as may be necessary in the opinion of the board but not less frequently than twice each year. A candidate who shall have passed the examination in at least one of the subjects given by the board shall receive credit for that subject, and may be reexamined in only the remaining subjects. The board may, at its discretion, allow credit for all or part of an examination taken in another state or territory, if, in the opinion of the board, the examination is essentially the same as that given in this state. When the candidate passes any of the remaining subjects he shall receive credit for each subject so passed. No candidate shall be required to be reexamined in any subject for which the board has previously granted credit, for a period of five years after he has received such credit. Nothing herein shall be construed as prohibiting the reexamination in all subjects of a candidate who has failed in prior examination. The board shall charge for the initial examination provided for herein, a fee which shall be set by the board in an amount not to exceed \$75. This fee shall be payable by the applicant

at the time of making application. In case the application is rejected, the fee shall be refunded. Fees for reexamination as provided above shall be charged by the board in amounts determined by it, but not in excess of \$15 for each subject in which the candidate is reexamined. No additional fee shall be charged for the certificate of a successful applicant.

#### 5 Accounting Practitioners;

Registration Requirements Changed. Amend RSA 309-A:10, I, (b) (supp) as inserted by 1971, 523:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(b) shall have passed part of the written examination administered under RSA 309-A:3, IV, provided that all accountants who have met the requirements of licensing under RSA 309-A:3 and who apply for registration under this section shall be considered to have passed that section of the exam, as set out in RSA 309-A:3, IV, entitled theory of accounts and said applicant shall be exempt from RSA 309-A:10, IV.

6 Disbursement of Examination Fees Specified. Amend RSA 309-A:11 (supp) as inserted by 1971, 523:1 by striking out said section and inserting in place thereof the following:

309-A:11 Annual Permits. Annually, each certified public accountant, each public accountant, and each accounting practitioner shall file at the office of the board, giving his then residence and place of business and such other information as the board may require. The board shall have the power to designate the date of filing. The annual fee for such filing shall be set by the board in an amount not to exceed \$25. The board shall thereupon file a duplicate of the filing in the office of the secretary of state. Each accountant filing shall be entitled to a permit from the board setting forth the fact of the annual filing, payment of the fee, and recording thereof. The fees collected under this chapter shall be paid into the state treasury, and the state treasurer, on warrant of the governor, shall pay out of the funds so paid into the treasury all expenses incident to the expenses of issuing certificates, licenses and registrations, and fees and expenses of the members of the board while performing their duties. Other provisions of law notwithstanding, that portion of application fees, for certified public accountants and registered accounting practitioners, which shall be considered to be the actual cost of the exams shall be deposited in a special non-lapsing account entitled "Examination Fees." The cost of such examinations will be expended from this account. An account thereof shall be made to the state treasurer in accordance with the manual of procedures. No expenses incurred under this chapter shall be a charge against the general funds of the state.



7 Practice by Permit Provided. Amend RSA 309-A:13 (supp) as inserted by 1971, 523:1 by inserting in line 3 after the word "registration" the following (or an annual permit) so that said section as amended shall read as follows:

309-A:13 Practice of Public Accountancy. No person shall engage in the practice of public accountancy as defined in RSA 309-A:1, IV unless such person is the holder of a certificate, a license, a registration, or an annual permit issued by the board under this chapter. Nothing herein contained shall be construed to prohibit a certified public accountant, a public accountant, or an accounting practitioner of another state from temporarily practicing accountancy in this state in the performance of professional engagements originating in such other state as an incident to his regular practice of accountancy in such other state, provided that such temporary practice is conducted in conformity with the rules and regulations of professional conduct promulgated by the board of this state.

8 Meaning of Certified Public Accountants Expanded in Certain Circumstances. Amend RSA by inserting after section 14 the following new section:

309-A:14-a Certified Public Accountants and Public Accountants. Whenever any statute, rule or regulation requires that any reports, financial statements and other document for any department, division, board, commission or agency of this state be prepared by certified public accountants, such requirements shall be construed to mean that such department, division, board, commission or agency may select a certified public accountant or a public accountant licensed by the state of New Hampshire for said reports, financial statements or other documents.

9 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Horrigan spoke against the committee report.

Rep. Parker spoke in favor of the committee report.

A division was requested.

167 members voting in the affirmative, and 87 in the negative, HB 99 was ordered to third reading.

HB 282, placing a consumer on the commission of pharmacy and practical chemistry. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This is being done by many states and is considered necessary to protect the consumer.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Public Member Provided. Amend RSA 318:2 (supp) as amended by inserting in

line 3 after the word "pharmacy," the following (and one of whom shall be a public member representing the interests of consumers,) so that said section as amended reads as follows:

318:2 Appointment. There shall be a commission of pharmacy and practical chemistry consisting of 5 members, one of whom shall be engaged full-time in the practice of hospital pharmacy, and one of whom shall be a public member representing the interests of consumers and shall not be a registered pharmacist, all of said members are to be appointed by the governor with the advice and consent of the council for terms of 3 years and until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term.

2 Eligibility of Public Member. Amend RSA 318:3 (supp) as amended by inserting in line one after the word "members" the following (except the one public member,) so that said section as amended shall read as follows:

318:3 Eligibility. The members except the one public member, shall have been registered pharmacists for at least 10 years, and at the time of their appointment shall have conducted a pharmacy in this state for at least 5 years.

3 Transition. The 5 members of the commission of pharmacy and practical chemistry in office on the effective date of this act shall serve out their terms of office. The public member provided for in RSA 318:2 as amended by section 1 of this act shall be appointed upon the first vacancy of the present board. Thereafter, all members shall be appointed for terms of 3 years as provided in RSA 318:2.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 546, relative to detective and security agencies. Ought to Pass with Amendment. Rep. Thomas Hynes for Commerce and Consumer Affairs.

This bill was recommended by the state police.

Amendment

Amend RSA 106-F:8, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

1. The fee for a private detective agency license or a security guard service license shall be \$50 for an agency or service employing one person licensed under this chapter and \$250 for an agency or service employing more than one such person. A person may hold one or more types of license at any given time, provided that a separate fee shall be paid for each license so held. Licenses shall be issued annually to expire one year after the date of issue and shall be automatically renewed from year to year thereafter, upon payment of the fee and



submission of certified evidence that the surety bond remains in force. The application for renewal must be submitted at least 15 days before the expiration of the previously granted licenses.

Amendment adopted.

Referred to Appropriations.

HB 550, relative to agreements with veterinary medical schools to provide education to qualified New Hampshire residents. Ought to Pass with Amendment. Rep. Gemmill for Education.

The bill increases by \$500 per student the payments to hold places at veterinary schools for New Hampshire residents. The amendment clarifies certain provisions of the existing law so that it will have greater flexibility subject to available appropriations.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Agreements Authorized. Amend RSA 332-C:1 (supp) as inserted by 1972, 60:68 as amended by striking out said section and inserting in place thereof the following:

332-C:1 Agreements Authorized. The governor is authorized to enter into an agreement with the board of trustees of any veterinary medical school accredited by the American Veterinary Medical Association, or its successor organization, for the purpose of providing veterinary medical education to qualified New Hampshire residents. The contract shall provide for the enrollment of not less than 5 students for each class year. A sum of \$8,500, or such additional amounts as may be appropriated each biennium for this purpose by the general court, shall be paid yearly for each student so enrolled. A total of not less than 5 students for each class year may be enrolled in all schools which contract to provide such veterinary medical education.

Amendment adopted.

Referred to Appropriations.

HB 665, permitting certain school districts to pay teachers' contributions to the New Hampshire retirement system. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Gemmill for Education.

After a public hearing the Committee unanimously decided that the issues involved in this bill pertain to the state retirement system and not education, and that the Committee which oversees the retirement system should review the bill.

Rep. Gemmill moved that HB 665 be laid upon the table.

Adopted.

HB 190, establishing a joint legislative oversight committee and requiring its approval of newly promulgated administrative rules. Ought to Pass with Amendment. Rep. Roderick O'Connor for Executive Departments and Administration.

The amendment clarifies agency rule-making responsibilities. It also requires agencies to notify every member of the relevant legislative committee of each proposed rule and gives legislators and interested parties the right to request a public hearing on proposed rule changes.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the administrative procedures act.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Procedure for Adoption of Rules.

Amend RSA 541-A:3 as inserted by 1973, 507:1 by striking out said section and inserting in place thereof the following:

541-A:3 Procedure for Adoption of Rules. No agency may take any action to adopt, amend or repeal any rule except in a public proceeding in accordance with RSA 91-A:2 and in accordance with the following:

1. At least 20 days before any rule-making proceeding to adopt, amend or repeal any rule, an agency shall publish notice, of its intended action at least once, in a newspaper of general statewide circulation and shall mail or deliver notice of its intended action to (1) all persons who have made timely request to the agency for advance notice of such rule-making proceedings, (2) the chairmen and each member of the legislative committees having jurisdiction over the subject matter of rule that is proposed to be adopted, amended or repealed, (3) the president of the senate, the speaker of the house, the majority and minority leaders of both houses and the chairmen of the senate finance and house appropriations committees and (4) the director of legislative services. The notice shall be in a form prescribed by the director of legislative services. Notice of the rule-making proceeding given under this paragraph shall be in lieu of and shall satisfy the notice requirements of RSA 91-A:2 for that proceeding; but if no final action is taken on the date of the rule-making proceeding specified in the notice given under this paragraph, then the agency shall give notice in accordance with RSA 91-A:2 of the date of the next public proceeding called to adopt, amend or repeal a rule and no further notice of the public proceeding called to take such action need be given under this chapter. Notice of any public hearing which is held prior to a rule-making proceeding shall be given according to RSA 91-A:2.

II. Before taking any action to adopt, amend or repeal any rule, the agency shall afford all interested persons reasonable opportunity to submit their opinions in writing in accordance with the terms of the notice given under paragraph I. An opportunity for a public hearing to be held before the rule-making proceeding shall be granted if requested in writing at least 5 days before the rule-making proceeding by: (a) 25 persons; (b) an association having not less than 25 members; (c) an agency; (d) a political subdivision; or (e) any person notified under paragraph I, (2) and (3).

III. In taking any action to adopt, amend or repeal any rule, the agency shall fully consider all written and oral submissions respecting the proposed rule. The form and language of the proposed rule on which final action is taken shall conform to the uniform system of drafting and numbering established by the director of legislative services under RSA 541-A:5, III. The agency shall take action to adopt, amend or repeal the rule or not adopt, amend or repeal the rule within 30 days after the original date of the rule-making proceeding contained in the notice specified in paragraph I.

IV. After taking action to adopt, amend or repeal any rule, the agency shall, if requested to do so in writing by an interested person at any time within 30 days after the rule-making proceeding, issue a clear and concise statement of the principal reasons for and against its action, including its reasons for overruling the considerations urged against the action finally taken. If the adoption, amendment or repeal of the rule entails consequences different from those the action originally proposed, notice setting out a clear and concise statement of the consequences of the adoption, amendment or repeal of the rule shall be mailed or delivered within 10 days after the rule-making proceeding to: (a) the persons specified in paragraph I, (2) and (3); (b) all interested persons submitting written opinions under paragraph II; and (c) all persons who testify at a public hearing prior to the rule-making proceeding.

V. If an agency finds that an imminent peril to the public health, safety or welfare requires adoption, amendment or repeal of rule with fewer than 20 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearings or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period of not longer than 120 days after the date of filing but the adoption of an identical rule under the provisions of paragraph I is not precluded.

VI. The requirements of notice and hearing provided for in this section shall not apply to:

(a) the adoption, amendment or repeal of an agency form;

(b) a rule designed solely to bring the language of an existing rule into conformity with a statute which has been changed or adopted since the adoption of such rule, to bring the language of an existing rule into conformity with a controlling judicial decision, or to comply with a federal requirement; or (c) declaratory rulings.

VII. No rule hereafter adopted is valid unless adopted in substantial compliance with this section. No proceedings to contest any rule on the grounds of noncompliance with the procedural requirements of this section may be maintained unless commenced within one year after the effective date of the rule.

2 Uniform System of Drafting and Numbering Rules. Amend RSA 541-A:4 by inserting after paragraph II the following new paragraphs:

III. The director of legislative services shall have the authority to require each agency to conform to a uniform system of drafting and numbering for its rules and he may require any agency to rewrite any rule submitted for filing to conform to this uniform system before that rule may be filed.

IV. The director of legislative services may require the attorney general to determine if a statement issued by an agency falls within the definition of "rule" under RSA 541-A:1, IV or "emergency rule" under RSA 541-A:3, IV and his determination shall be binding on the agency subject to an action for declaratory judgment in the Merrimack county superior court.

3 Repeal. RSA 541-A:5, IV relative to the authority of the director of legislative services to require to conform to a uniform system of drafting and numbering rules is hereby repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 249, removing the deputy of any department or agency which receives federal grants-in-aid from the classified state service. Ought to Pass with Amendment. Rep. Roderick O'Connor for Executive Departments and Administration.

The bill, as amended, requires employees in non-statutory agencies to be classified and directors and deputy directors in those agencies to be confirmed by Governor and Council. The amendment also exempts federally-funded employees of the Governor's Office from being classified and prevents bumping rights for federally-funded, non-statutory agency employees for five years after the passage of the bill.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to personnel of certain agencies which receive federal grants-in-aid.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Department Deputies. Amend RSA 98:2 (e) by inserting in line 4 after the word "service" the following (where required as a condition of receiving such federal grants-in-aid) so that said paragraph as amended shall read as follows:

(e) The deputy of any department head provided for by special statute; provided, however, that the deputy of any department or agency which receives federal grants-in-aid shall be included in the classified state service where required as a condition of receiving such federal grants-in-aid;

2 Accountability of Directors, Deputies and Personnel. Amend RSA 124 by inserting after section 4 the following new sections:

124:4-a Approval of Certain Personnel; Designations Limited. Notwithstanding any other provision of law, the governor and council shall not designate a person or agency which has not been established by permanent law as the recipient or administrative agent for the state of federal funds under RSA 124:4 unless such person or the director and the deputy director of such agency has been appointed and confirmed by the governor and council. For the purposes of this section, a person or agency established by permanent law is one whose position or establishment is described in the Revised Statutes Annotated of New Hampshire; provided that the inclusion of a position in RSA 94:1-4 without any further establishment in the Revised Statutes Annotated shall not be deemed to be a position established by permanent law.

124:4-b Classification of Certain Federally Funded Positions. Notwithstanding any other provisions of law, all positions now existing or hereafter created in any agency or under any person which is designated as the recipient or administrative agent for the state of federal funds under RSA 124:4 and which is not established by permanent law as defined in RSA 124:4-a, shall be positions in the classified service as that term is employed in RSA 98; provided that no person who becomes a classified employee on the effective date of this section because of the provisions of this section shall be credited with seniority rights for service in an agency or under a person which is not established by permanent law as defined in RSA 124:4-a prior to the effective date of this section and that seniority rights for any such person shall accrue only after the effective date of this section; provided further that this section shall not apply to members of the governor's staff appointed under RSA 4:12 even if the governor's staff is designated as the recipient or administrative agent for the state of federal funds under RSA 124:4.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 402, pertaining to the use of off-duty state police in emergencies. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

The Committee felt that the state police are being adequately compensated by paid lunch hours and coffee breaks plus 416 hours of built-in overtime each year. The subject is also being considered under collective bargaining. Resolution adopted.

HB 504, authorizing the payment of a shift differential to certain employees of the New Hampshire hospital, Laconia state school and New Hampshire home for the elderly and making an appropriation therefor. Ought to Pass. Rep. Sara Townsend for Executive Departments and Administration.

This bill would place the employees of second and third shifts at the New Hampshire Hospital, Laconia State School and New Hampshire Home for the Elderly on a par with those in private hospitals, thus making it easier to hire competent people who conceivably might remain in this position longer. The turnover is very high under present circumstances. Referred to Appropriations.

HB 507, establishing centralized microfilming for the state and making an appropriation therefor. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Close for Executive Departments and Administration.

Committee supports the concept of centralized microfilming, but believes further study should be given to means of implementation and reduction in costs. Adopted.

HB 518, relative to retirement benefits for teachers who retired prior to 1957. Ought to Pass with Amendment. Rep. Close for Executive Departments and Administration.

This bill is consistent with policy of the Legislature in recognizing the financial plight of those teachers who retired prior to 1957.

## Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Cost of Living Allowance Provided. Amend RSA 192:30 (supp) as inserted by 1973, 276:1 as amended by striking out said section and inserting in place thereof the following:



192:30 1978 Allowances. Any beneficiary who retired prior to July 1, 1957 and who is in receipt of a retirement allowance on January 1, 1978, including any teacher retired under the teacher's retirement system as established by RSA 136, shall, beginning with the month of January 1978, and monthly thereafter, but not beyond the month of December 1978, have his allowance increased in the proportion which the Consumer Price Index, issued by the United States Department of Labor, Bureau of Labor Statistics for the month of November, 1976 bears to the corresponding index for the year in which the member retired; except that in the case of service beneficiaries, such increased retirement allowance shall be at least \$120 for each year of creditable service at retirement not exceeding 30 years, and in the case of disability beneficiaries, such increased retirement allowance shall be at least \$102 for each year of creditable service at retirement not exceeding 30 years. Provided, however, if any such beneficiary has filed an election in accordance with RSA 192:13, II, his retirement allowance shall be increased for said period only in the proportion which the Consumers Price Index issued by the United States Department of Labor, Bureau of Labor Statistics, for the month of November 1976 bears to the corresponding index for the year in which the member retired. In the event the retired member is receiving a reduced retirement allowance because of having elected an option, such increased retirement allowance shall be reduced in the same proportion as the retirement allowance prior to optional modification was reduced at retirement. If the beneficiary of a retired member who retired prior to July 1, 1957 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1978 such beneficiary shall be paid beginning with the month of January 1978, and monthly thereafter, but not beyond the month of December 1978, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification had he been living on January 1, 1978, as the survivor annuity bears to the full allowance prior to optional modification of such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the before-mentioned provisions the difference between said increased retirement allowance and the retirement allowance said beneficiary is receiving as of December 31, 1977, shall be multiplied by 2 and the sum ascertained by this formula shall be paid to said beneficiary in 12 monthly installments beginning January 1, 1978 and ending December 31, 1978. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary, nor shall any additional allowance be less

than 6-1/4 percent greater than the additional allowance paid in 1976. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

Amendment adopted.

Referred to Appropriations.

HB 532, increasing the salary of certain psychologists in the state classified service and making an appropriation therefor. Ought to Pass. Rep. Close for Executive Departments and Administration.

This bill changes the present pay-scale for top level psychologists at the state's three institutions. This bill was requested by Major Wheelock as necessary for recruiting purposes, bringing state salaries more in line with actual market salaries. Referred to Appropriations.

HB 555, creating a state historical records advisory board and making an appropriation therefor. Ought to Pass. Rep. Close for Executive Departments and Administration.

This bill will give statutory authority to Executive Order 76-4, made necessary by federal requirements in order for New Hampshire to receive further monies such as were received by Strawberry Banke under the Executive Order above. Referred to Appropriations.

HB 370, relative to salaries of full-time justices of district courts. Ought to Pass with Amendment. Rep. Daniel Healy for Judiciary.

The majority of the Committee felt the bill as amended offered a reasonable formula based on the salary statute for Superior and Supreme Courts. The bill under the present status for District Courts would increase only the salaries of the Manchester and Nashua District Court judges at this time.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1. Salary Formula Changed. Amend RSA 502-A:6, I (supp) as inserted by 1963, 331:1 as amended by striking out in line 18 the words "thirty thousand dollars." and inserting in place thereof the following (95 percent of the salary of an associate justice of the superior court) so that said paragraph as amended shall read as follows:

1. SALARIES OF JUSTICES. The cities and towns in which the district courts are regularly located shall annually appropriate and pay the justices of the district courts salaries computed in the following manner: for the first



1,500 cases, \$400 for each 100 cases or fraction thereof; for the next 1,000 cases, \$300 for each 100 cases or fraction thereof; and for all cases over 2,500, \$150 for each 100 cases or fraction thereof provided that the sum of \$500 shall be added to the salary of each justice of a district court which has exclusive civil jurisdiction in cases where the damages do not exceed \$500. No justice shall be paid a salary less than a sum equal to \$180 for each 1,000 persons residing in the district, as reported in the last federal census. If application of the formula in this paragraph results in a salary that prohibits a justice from engaging in the practice of law pursuant to RSA 502-A:21, the salary of said justice shall be determined by use of such formula but in no case shall the justice receive an annual salary of less than \$25,000 nor more than 95 percent of the salary of an associate justice of the superior court. The total cases reported annually from each district court to the judicial council shall be used in the computation of the salary of each justice as provided herein. The administrative committee of the district and municipal courts shall compute the salaries as provided in this section and shall annually, in November, notify the local governing body of each city or town in which each district court is regularly located the amount to be paid the justice, special justice and clerk for the next calendar year.

Amendment adopted.

Ordered to third reading.

HB 381, relative to the unfair sales act. Ought to Pass. Rep. Carpenito for Judiciary.

This bill amends RSA 358 to strengthen and remove prohibitive clauses in the present statute that will allow for better and more efficient enforcement and protection of parties who may have been subject to unfair and destructive competition. The bill brings the present Unfair Sales Act statute into harmony with accepted practice in this area.

Ordered to third reading.

HB 418, relative to refunds of tobacco taxes. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The Committee felt that it should not tamper with the present revenue structure at this time. Vote was 15 - 0.

Rep. Parr spoke against the committee report.

Reps. George Wiggins and Cunningham spoke in favor of the committee report.

Rep. Parr moved that HB 418 be laid upon the table.

Motion lost.

Resolution adopted.

# SUPREME COURT OPINION

To the House of Representatives:

The undersigned, justices of the supreme court, return the following answers to the questions contained in your resolution of March 10, 1977, and filed in this court on March 14, 1977.

Your first question asks whether the appropriation and use of revenues from the Highway Trust Fund for the purpose of funding the detective bureau of the division of state police in the manner recommended by the Governor in his proposed budget is consonant with the limitation placed on the use of such revenues by part II, article 6-a of the New Hampshire Constitution.

Our answer is "Yes", as limited below.

N. H. Const. pt. II, art. 6-a reads as follows:

"(Use of Certain Revenues Restricted to Highways.)

All revenue in excess of the necessary cost of collection and administration accruing to the state from registration fees, operators' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels shall be appropriated and used exclusively for the construction, reconstruction and maintenance of public highways within this state, including the supervision of traffic thereon and payment of the interest and principal of obligations incurred for said purposes; and no part of such revenues shall, by transfer of funds or otherwise, be diverted to any other purpose whatsoever."

The justices in the past have given opinions that this provision of the constitution is not violated by legislation providing that the cost of relocating utility facilities required because of the relocation of the highway be paid out of such revenues. Opinion of the Justices, 101 N.H. 527, 132 A.2d 613 (1957), or by using additional motor vehicle permit fees to fund construction of public parking facilities. Opinion of the Justices, 109 N.H. 396, 254 A.2d 373 (1969).

In our opinion the express language of pt. II, art. 6-a "including the supervision of traffic thereon" authorizes the expenditure of such funds for the enforcement of traffic laws and the patrolling of the highways. This is consistent with the constitutional convention history of the article. See Jour. N.H. Const. Conv. 148-49 (May 25, 1938). We note that a substantial part of the budget of the division of state police for the communication and traffic bureaus is and has been funded from revenues drawn from the highway trust fund. Such funding does not violate pt. II, art. 6-A provided that amount of funding from highway trust funds is in the proportion that the work of a particular bureau relates to the supervision of traffic, including the enforcement of traffic laws.

We are informed in the memorandum submitted on behalf of the Governor that the detective bureau is involved with the enforcement of traffic laws, including the apprehension and prosecution of violators. We are not in a position to make a determination in this proceeding of what percentage of the work of that bureau is devoted to such purposes. Such a determination must be made in the first instance by the legislative branch subject to such possible attacks as may be made upon that determination by persons in an adversary proceeding. See Monitor Pub. Co. v. Hill, 103 N.H. 397, 173 A.2d 725 (1961). It is our opinion, however, that the funding of the detective bureau budget from highway trust funds in the proportion that its traffic control activities bears to the total work of the bureau would be consonant with N.H. Const. pt. II, art. 6-a. Our answer to the first question therefore is "Yes", provided the percentage of such financing is reasonably related to the amount of the work of that bureau which is devoted to the enforcement of traffic laws.

We also note in passing that the restrictions of pt. II, art. 6-a relate only to revenue from "registration fees, operators' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels." RSA 106-B:10 provides that the director of motor vehicles shall pay over all motor vehicle fines to the state treasurer who is directed to pay the net amount after certain deductions to the highway department to use "for maintenance of highways." RSA 6:12. Because these funds are not revenues from the sources set forth in pt. II, art. 6-a, N.H. Constitution, they do not in our opinion fall within the restrictions of that article.

The foregoing opinion makes it unnecessary to answer your second question.

Frank R. Kenison  
Edward J. Lampron  
William A. Grimes  
Maurice P. Bois  
Charles G. Douglas  
Justices

#### THREE-DAY EXTENSIONS GRANTED

HB 355, regulating health maintenance organization. (Commerce and Consumer Affairs)

HB 376, establishing special purpose licensing provisions under the electricians' codes. (Commerce and Consumer Affairs)

HB 366, requiring results of second reading votes be included as part of questions proposing constitutional amendments. (Constitutional Revision)

HB 314, improving procedures of the medical board for supervising medical practice and stabilizing medical liability claims. (Health and Welfare)

SB 67, increasing the daily salary of a special justice of the district and municipal court. (Judiciary)

HB 382, relative to the jurisdiction of district courts in criminal matters. (Judiciary)

HB 387, establishing the police standards and training council training fund to consist of penalty assessments imposed in certain criminal cases. (Judiciary)

HB 316, relative to the exemption period for subdivision plat approval. (Municipal and County Government)

HB 353, changing the town charter of Hanover to make sewer rentals the only method of payment for sewage disposal expense. (Municipal and County Government)

HB 354, changing the deadline for submission of the budget for Coos county. (Municipal and County Government)

HB 357, permitting appropriations for nonprofit organizations operating day care centers. (Municipal and County Government)

HB 385, annexing the unincorporated place of Livermore to the towns of Waterville Valley, Lincoln and Bethlehem. (Municipal and County Government)

HB 378, to reclassify a certain highway in the city of Laconia. (Public Works)

SB 48, forbidding entertainers less than 18 years of age from working in places where liquor or beverage is sold. (Regulated Revenues)

HB 331, providing for the disposal of septic tank material. (Resources, Recreation and Development)

HB 341, relative to the duties of the director, division of forests and lands and providing for access to land by employees of this division. (Resources, Recreation and Development)

HB 379, regulating recreational campgrounds. (Resources, Recreation and Development)

HB 391, empowering the water resources board to acquire wetlands and establishing a special committee. (Resources, Recreation and Development)

HCR 2, relative to the department of the army corps of engineers assuming jurisdiction over dredge and fill control in waterways and contiguous wetlands of the state. (Resources, Recreation and Development)

HB 351, relative to landlord and tenant relations. (Statutory Revision)

SB 8, providing for the cy pres of cemetery trust funds. (Statutory Revision)

#### SIX DAY EXTENSIONS GRANTED

HB 326, adopting the provisions of the uniform vehicle code pertaining to the operation of emergency vehicles. (Transportation)

#### SUSPENSION OF RULES

Rep. Close moved that the rules be so far suspended as to permit the Committee on Executive Departments and Administration to take executive action and report after the deadline set by Rule 58 on HB 608, relative to the responsibilities and reorganization of the division of mental health and making an appropriation therefor, HB 602,

establishing an office of health planning and development and making an appropriation therefor, and HB 587, relating to the state health planning and development agency.

Adopted by the necessary two-thirds.

#### SUSPENSION OF RULES

Rep. Tucker moved that the rules be so far suspended as to permit the House to consider a committee report without the required notice in the Calendar on HB 425, making a special appropriation for moving the department of safety from the John O. Morton building and other locations to the James H. Hayes safety building.

Adopted by the necessary two-thirds.

#### COMMITTEE REPORT

HB 425, making a special appropriation for moving the department of safety from the John O. Morton building and other locations to the James H. Hayes safety building. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Provides the funds necessary to move the Department of Safety and related agencies into new building.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation to the Department of Safety. The sum of \$60,900 is hereby appropriated to the department of safety to cover the transitional expenses incurred in moving the department from the John O. Morton building and other locations to the James H. Hayes building as follows:

I. Relocation of State Police Criminal Laboratory Reinstallation and recalibration of scientific equipment, such as spectrograph, atomic absorption device, clinascreen, spectrometer, microscopes, comparators, etc., includes servicemen and technical representatives' fees and the hookup of plumbing, gas, electricity, nitrogen gasses, etc.	\$5,000
II. State Police Communications Wiring	700
III. Moving Van and Moving Service	35,000
IV. Telephone Installation	5,200
V. Teletype Installation Road Toll Division and State Police	500
VI. Computer Section Cable - Purchase and Pulling	6,500
VII. Miscellaneous Contingencies	8,000
Total	\$60,900

The above amounts are appropriated in addition to any other appropriation for the department of safety. The sums appropriated shall not be transferred or used for any other purpose and shall be a charge against the funds as follows: \$14,494 from the general funds of the state; \$45,797 from highway funds; and \$609 from the driver and safety education fund.

2 Appropriation to Administration and Control. The sum of \$58,600 is hereby appropriated to the department of administration and control, buildings and grounds, safety building to provide personnel and operating expenses for the last quarter of fiscal 1977 as follows:

Permanent personal services	\$17,951
Other personal services	500
Benefits	1,080
Current expenses	34,069
Equipment	<u>5,000</u>
Total	\$58,600

The above amounts are appropriated in addition to any other appropriation for the department of administration and control. The sums appropriated shall be a charge against the funds as follows: \$13,947 from the general funds of the state; \$44,067 from highway funds; and \$586 from the driver and safety education fund.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills of Intent numbered 2016 through 2022 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS OF INTENT

First, second reading and referral  
HBI 2016, Relating to: coordination of home health services in counties. (Ramsey of Strafford Dist. 13 - To Health and Welfare)

HBI 2017, Relating to: the classification of the portions of highways within the compact sections of cities and towns. (Parolise of Rockingham Dist. 5 - To Public Works)

HBI 2018, Relating to: the Administrative Procedures Act. (O'Connor of Strafford Dist. 18; Watson of Hillsborough Dist. 13; Brody of Hillsborough Dist. 24; Bosse of Hillsborough Dist. 1 - To Executive Departments and Administration)



HBI 2019, Relating to: repairs to entrance and exits at Salem Liquor store # 34. (Parolise of Rockingham Dist. 5 - To Public Works)

HBI 2020, Relating to: a single inventory of state-owned property. (Kelly of Strafford Dist. 19; J. Herchek of Strafford Dist. 16 - To Legislative Administration)

HBI 2021, Relating to: legislative study of energy development, allocation and utilization. (Grassie of Strafford Dist. 12; Smith of Hillsborough Dist. 34; Proctor of Cheshire Dist. 14; Orcutt of Hillsborough Dist. 8; Grasso of Hillsborough Dist. 11; Girolimon of Hillsborough Dist. 30; Burchell of Strafford Dist. 12; Chambers of Grafton Dist. 13; Wight of Hillsborough Dist. 10; Wilson of Strafford Dist. 11; Poulin of Coos Dist. 9; Vlack of Rockingham Dist. 9; Dunfee of Rockingham Dist. 12; O'Keefe of Rockingham Dist. 21; French of Strafford Dist. 21 - To Science and Technology)

HBI 2022, Relating to: controlling the use by the department of public works and highways and municipalities utilizing salt or salt products in maintaining the state and town highways. (Ganley of Rockingham Dist. 13 - To Science and Technology)

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 820 through 856 and Concurrent Resolution Proposing Constitutional Amendments numbered 14 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS and CACR

First, second reading and referral

HB 820, relative to the seating capacity of motor carriers of passengers classified as taxicabs. (Lessard of Strafford Dist. 20 - To Transportation)

HB 821, providing that municipalities having planning boards shall be members of the regional planning commission. (Hartford of Rockingham Dist. 17; Smith of Hillsborough Dist. 14; Bibbo of Merrimack Dist. 2; Nelson of Rockingham Dist. 10 - To Municipal and County Government)

HB 822, clarifying various provisions relative to planning boards, boards of adjustment and conservation commissions. (Hartford of Rockingham Dist. 17 - To Municipal and County Government)

HB 823, relative to rights-of-way. (Cate of Merrimack Dist. 14 - To Judiciary)

HB 824, providing for tax increment financing for redevelopment projects. (T. O'Connor of Hillsborough Dist. 33; Burke of Hillsborough Dist. 33 - To Municipal and County Government)

HB 825, providing for a referendum to determine the form of city government for Dover. (Donnelly of Strafford Dist. 17 - To Municipal and County Government)

HB 826, establishing a primary for Rochester city elections. (Grassie of Strafford Dist. 12; Burchell of Strafford Dist. 12; Wilson of Strafford Dist. 12 - To Municipal and County Government)

HB 827, relative to the date for withdrawing from a primary race for the legislature. (Barka of Rockingham Dist. 4 - To Statutory Revision)

HB 828, creating the position of deputy commissioner of health and welfare. (Spaulding of Sullivan Dist. 4 - To Health and Welfare)

HB 829, relative to regulations which may be stipulated by the planning board as a condition precedent to the approval of a plat. (Flanagan of Rockingham Dist. 6 - To Municipal and County Government)

HB 830, relative to road toll rebates. (Howard of Carroll Dist. 1 - To Transportation)

HB 831, to adopt an occupational safety and health law for the state of New Hampshire. (McDonough of Hillsborough Dist. 29; Clancy of Hillsborough Dist. 31 - To Labor, Human Resources and Rehabilitation)

HB 832, amending certain time limits under the uniform motor vehicle certificate of title law. (Stockman of Merrimack Dist. 8 - To Transportation)

HB 833, removing the right of appeal of a motor vehicle offense which is a violation. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 834, relative to the school lunch program. (Eaton of Hillsborough Dist. 5; Richardson of Hillsborough Dist. 5 - To Education)

HB 835, providing for the election of members to the county convention as a separate county office. (Allen of Carroll Dist. 5; J. Herchek of Strafford Dist. 16; Thomson of Grafton Dist. 7; Smith of Merrimack Dist. 21; Oleson of Coos Dist. 5; Sen. Jacobson of Dist. 7; Rossley of Rockingham Dist. 23; Splaine of Rockingham Dist. 19; Bosse of Hillsborough Dist. 1; Granger of Hillsborough Dist. 13; Lucas of Sullivan Dist. 6 - To Municipal and County Government)

HB 836, relative to taxation of residences in industrial or commercial zones. (Parolise of Rockingham Dist. 5; Smith of Rockingham Dist. 5; Gage of Rockingham Dist. 5; Felch of Rockingham Dist. 11; Campbell of Rockingham Dist. 5 - To Environment and Agriculture)

HB 837, relative to the filing for candidates for the house of representatives. (Found of Carroll Dist. 2; Hildreth of Belknap Dist. 6; Ambrose of Belknap Dist. 1; Bernier of Hillsborough Dist. 36 - To Statutory Revision)

HB 838, requiring the secretary of state to notify all persons of write-in nominations for the house of representatives. (Fortier of Coos Dist. 6; Valliere of Coos Dist. 6 - To Statutory Revision)

HB 839, increasing the filing fees for certain elective offices and increasing the signature requirements for filing primary petitions. (Bernier of



Hillsborough Dist. 26; Hildreth of Belknap Dist. 6; Found of Carroll Dist. 2; Ambrose of Belknap Dist. 1 - To Statutory Revision)

HB 840, increasing the penalty for fraudulent acts by a food stamp recipient. (Murray of Hillsborough Dist. 3 - To Judiciary)

HB 841, relative to investments of savings banks. (Keough of Coos Dist. 5 - To Commerce and Consumer Affairs)

HB 842, mandating that all referendum results be reported to the secretary of state. (Skinner of Rockingham Dist. 3-A; Stahl of Hillsborough Dist. 17 - To Statutory Revision)

HB 843, permitting independent voters to vote in primaries without declaring a party affiliation. (Burchell of Strafford Dist. 12; Splaine of Rockingham Dist. 19 - To Statutory Revision)

HB 844, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver. (Griffin of Rockingham Dist. 19; Wilson of Rockingham Dist. 2 - To Health and Welfare)

HB 845, revising the access to public records law (RSA 91-A). (Burchell of Strafford Dist. 12; Bednar of Hillsborough Dist. 14; Splaine of Rockingham Dist. 19 - To Judiciary)

HB 846, amending the city charter of Nashua relative to the election of the board of education. (Boisvert of Hillsborough Dist. 22; Sing of Hillsborough Dist. 23; Wallace of Hillsborough Dist. 22; Madigan of Hillsborough Dist. 24; Gagnon of Hillsborough Dist. 21 - To Municipal and County Government)

HB 847, repealing provisions relative to depositing wills with the register of probate. (Normand of Hillsborough Dist. 36; O'Neil of Hillsborough Dist. 32; Celinas of Hillsborough Dist. 31 - To Constitutional Revision)

HB 848, requiring optometrists and ophthalmologists to report all discovered cases of bad vision to the bureau of blind services. (Healy of Hillsborough Dist. 29 - To Health and Welfare)

HB 849, relative to liens for delinquent charges of municipally owned utilities. (Campbell of Rockingham Dist. 5 - To Judiciary)

HB 850, requiring each school district treasurer to pay out moneys belonging to the district upon orders of the duly authorized representative of the school board. (Lynch of Cheshire Dist. 12 - To Education)

HB 851, relative to the use of privately purchased telephones on the existing telephone system. (Lessard of Strafford Dist. 20; Burchell of Strafford Dist. 12 - To Science and Technology)

HB 852, relative to continuing open dump burning in small towns. (LaMott of Grafton Dist. 6 - To Environment and Agriculture)

HB 853, relative to franchise disclosure law. (Roberts of Belknap Dist. 4; Burns of Coos Dist. 4; Sen. Downing of Dist. 22; Hanson of Belknap Dist. 5;

Krause of Cheshire Dist. 8; Wallin of Hillsborough Dist. 16; Aller of Rockingham Dist. 13; Lucas of Sullivan Dist. 6; Found of Carroll Dist. 2; Sen. Blaisdell of Dist. 10; Dionne of Belknap Dist. 6; Carpenito of Rockingham Dist. 5; Connolly of Hillsborough Dist. 9 - To Judiciary)

HB 854, authorizing the director of the division of motor vehicles or his agents to examine vehicles in certain locations. (Wallace of Hillsborough Dist. 22 - To Transportation)

HB 855, authorizing municipalities to establish central business service districts. (Normand of Hillsborough Dist. 36; O'Neil of Hillsborough Dist. 32; Ziakas of Hillsborough Dist. 33; Coughlin of Hillsborough Dist. 27; LaPlante of Hillsborough Dist. 35; Martineau of Hillsborough Dist. 36 - To Municipal and County Government)

HB 856, relative to the inspection of used motor vehicles offered for sale by retail dealers. (Roberts of Belknap Dist. 4; Lucas of Sullivan Dist. 6; Aller of Rockingham Dist. 13; Found of Carroll Dist. 2; Hanson of Belknap Dist. 5; Dionne of Belknap Dist. 6; Carpenito of Rockingham Dist. 5; Sen. Bossie of Dist. 20; Rossley of Rockingham Dist. 23; Mattson of Cheshire Dist. 6; Connolly of Hillsborough Dist. 9 - To Commerce and Consumer Affairs)

CACR 14, relating to Constitutional amendments on the ballot. Providing that such amendments if they do not pass, may not be considered by the General Court for 3 biennia subject to certain requirements. (Slack of Cheshire Dist. 15; Buckman of Grafton Dist. 9 - To Constitutional Revision)

The Subcommittee on Resolutions and Screening having approved its addittance, Reps. Marshall French, Spirou, Horrigan, Sackett, Schreiber and Voll offered the following:

HOUSE RESOLUTION NO. 26  
honoring the University of New Hampshire hockey team.

WHEREAS, the University of New Hampshire's 1976-77 hockey team is another in a succession of outstanding hockey teams representing our State University; and

WHEREAS, throughout this year that hockey team consistently ranked among the top hockey teams in the nation; and

WHEREAS, the University's hockey team made it into the finals of the ECAC Division I playoffs and by virtue of their outstanding performance in that series was selected as one of the two teams in the East to meet in National championship competition with the two best teams in the West; and

WHEREAS, this is an accomplishment surpassing the achievement of any previous hockey team and has brought recognition and enhancement to the state of New Hampshire and its University, in spite of its narrow heart-breaking losses in Michigan; now, therefore, be it

RESOLVED by the House of Representatives:

That the House of Representatives of New Hampshire pay tribute to the University of New Hampshire hockey team and the honor it has brought to our State and University.

Rep. Spirou spoke in favor of the resolution.

Adopted unanimously.

#### ENROLLED BILLS REPORT

HB 369, extending certain capital appropriations.

Rep. Josephine Martin  
For the Committee

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 5 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 320, relative to secured loaning authority of cooperative banks, building and loan associations and savings and loan associations.

HB 321, relative to applications for mortgage loans from cooperative banks, building and loan associations and savings and loan associations.

HB 347, relative to the maximum time period for the amortization of loans.

HB 394, relative to the use of funds of credit unions.

HB 395, relative to retirement accounts for credit unions.

HB 569, amending the charter of Coe-Brown Northwood Academy.

HB 312, relative to the commission on human rights.

HB 348, relative to the eligibility of jurors to serve again.

HB 400, relative to the place and time of detention of arrestees.

HB 435, lowering the age at which the minimum hourly wage applies.

HB 352, relative to the recording of agreements resolving boundary disputes in those registries recording on microfilm.

HB 361, relative to the penalty provisions for violations of statutes and rules pertaining to aeronautics.

HB 99, relative to the board of accountancy and allowing accountants to advertise.

HB 282, placing a consumer on the commission of pharmacy and practical chemistry.

HB 190, relative to the administrative procedures act.

HB 370, relative to salaries of full-time justices of district courts.

HB 381, relative to the unfair sales act.

HB 425, making a special appropriation for moving the department of safety from the John O. Morton building and other locations to the James H. Hayes safety building.

#### RECONSIDERATION

Rep. Cunningham moved that the House reconsider its action whereby it killed HB 418, relative to refunds of tobacco taxes. Reconsideration lost.

352 members were recorded as present.

#### RECESS

(Rep. Marshall French in the Chair)

Rep. McAvoy offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 857 through 873, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF BILLS

First, second reading and referral  
HB 857, eliminating the need for legal seals on summonses, subpoenas, deeds and conveyances. (Sullivan of Hillsborough Dist. 18; Sen. Smith of Dist. 3 - To Constitutional Revision)

HB 858, correcting errors, omissions and inconsistencies in the RSA and session laws and conforming existing law to the criminal code. (Frizzell of Sullivan Dist. 7; Healy of Hillsborough Dist. 29; O'Connor of Strafford Dist. 18 - To Constitutional Revision)

HB 859, relative to prohibited collateral under the small loans law. (Spirou of Hillsborough Dist. 27 - To Commerce and Consumer Affairs)

HB 860, relative to eligibility requirements for unemployment compensation benefits. (Spirou of Hillsborough Dist. 27; Wheeler of Hillsborough Dist. 8; Goyette of Belknap Dist. 6; McNichol of Merrimack Dist. 5; Cooney of Coos Dist. 8; Valliere of Merrimack Dist. 19 - To Labor, Human Resources and Rehabilitation)

HB 861, relative to the regulation of odometers. (Roberts of Belknap Dist. 4; Splaine of Rockingham Dist. 19; Aller of Rockingham Dist. 13; Lucas of Sullivan Dist. 6; Fount of Carroll Dist. 2; Dionne of Belknap Dist. 6; Carpenito of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 862, relative to establishing a family review board for proceedings in contested child support and custody matters. (Hoar of Rockingham Dist. 8; Chambers of Grafton Dist. 13 - To Judiciary)

HB 863, relative to certified copies of certificates of registration. (Packard of Merrimack Dist. 4 - To Transportation)

HB 864, relative to the admissibility of prior inconsistent statements. (MacDonald of Carroll Dist. 4 - To Judiciary)

HB 865, repealing the statement of legislative intent and the study by judiciary committees relative to RSA 571-B and RSA 650. (Frizzell of Sullivan Dist. 7; MacDonald of Carroll Dist. 4 - To Judiciary)

HB 866, relative to the board of adjustment decision. (Bednar of Hillsborough Dist. 14; King of Rockingham Dist. 1; Pepitone of Grafton Dist. 3; Perkins of Hillsborough Dist. 8 - To Municipal and County Government)

HB 867, requiring telephone companies to list the names of both husbands and wives in their directories. (Copenhaver of Grafton Dist. 13 - To Commerce and Consumer Affairs)

HB 868, relative to bilingual education. (Day of Hillsborough Dist. 26; McGlynn of Hillsborough Dist. 21; Lessard of Strafford Dist. 20; Richardson of Hillsborough Dist. 5; Dionne of Belknap Dist. 6 - To Education)

HB 869, clarifying the priority of claims against insolvent insurance companies. (Burns of Coos Dist. 4 - To Commerce and Consumer Affairs)

HB 870, to provide for the use of interpreters for the deaf for all administrative and judicial proceedings in which deaf persons are involved. (Cate of Merrimack Dist. 14; Conley of Carroll Dist. 3; Boucher of Rockingham Dist. 3; Day of Hillsborough Dist. 26 - To Judiciary)

HB 871, authorizing the sale of certain items at highway toll booths. (Aldrich of Grafton Dist. 14 - To Transportation)

HB 872, exempting Christmas trees and related forest products from the timber tax law. (Aldrich of Grafton Dist. 14 - To Ways and Means)

HB 873, requiring members of planning boards to take a soils course within one year after their appointment or election thereto. (Collins of Rockingham Dist. 5 - To Municipal and County Government)

#### RECESS

(Speaker in the Chair)

Rep. Mann moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 23

*Tuesday, 5 Apr 77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Happy Passover Lord God! I hope it will be a happy Passover for You. As people around this world celebrate the Passover hearts are filled with the rich sentiments that this feast awakens in the souls of concerned people: Moses - deliverance from Egypt - the pillar of fire by night and the cloud by day - crossing the Red Sea, a young Jewish Rabbi riding upon a colt, with tears in His eyes, enters the City of God, a cross on a hill, love poured out for a world loved. These events - and much more - are represented by the Passover and touch the deepest levels of our religious heritage, O God help us to be such instruments for hope, for the future. Your will be done - in us - on earth! Amen.

Rep. Paul Riley led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Forsaith Daniels, Burrows, Anthony Randall and Alter, the day, illness.

Reps. Slack, Doris Riley, Gemmill, Edward Smith, Keefe, Charles Grassie, Wojnowski, Packard and Lucas, the day, important business.

Rep. Marshall French offered the following:

**RESOLVED**, that in accordance with the list in the possession of the clerk, House Bills of Intent numbered 2023 and 2024 and Concurrent Resolution Proposing Constitutional Amendments numbered 15, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS OF INTENT AND CACR

HB 2023, Relating to: the duties, functions and organization of local planning boards. (Schreiber of Strafford Dist. 4 - To Municipal and County Government)

HB 2024, Relating to: a procedure for appeals from a planning board decision. (Schreiber of Strafford Dist. 4 - To Municipal and County Government)

CACR 15, Relating To: The power of the General Court. Providing that: No Statute may require political subdivisions to provide services unless 100 percent of the funding is provided by the State. (Bibbo of Merrimack Dist. 2; Shepard of Merrimack Dist. 4; Chandler of Merrimack Dist. 3 - To Constitutional Revision)

## ENROLLED BILLS REPORT

HB 157, relative to determining the compensation to be allowed the collector of taxes.

HB 17, permitting absentee voting in elections of the union school district in Concord.

Rep. James J. White  
For the Committee

## PETITIONS

The town of Lisbon has petitioned the House concerning exemption from the pollution act and allowing the burning of solid waste.

The cities of Franklin, Keene, Dover and Salem have petitioned the House not to take away any present or additional funds from the towns.

## COMMITTEE REPORTS

HB 78, increasing the fees for hunting and fishing licenses and revising the fees for members of the armed forces. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill provides much needed funding for the Fish and Game Department. It also provides the means of establishing new rates.

## Amendment

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

increasing the fees for hunting and fishing licenses; revising the fees for members of the armed forces; requiring an agent's special accounting for the period ending June 26, 1977; and making an appropriation therefor.

Amend section 9 of the bill by striking out the same and inserting in place thereof the following:

9 Agents' Accounting; Special Accounting for the Period Ending June 26, 1977. Other provisions of law notwithstanding all agents licensed by the department of fish and game shall submit an accounting of licenses sold and on hand for the period ending June 26, 1977. Each agent shall pay to the director the full face value of all licenses sold through midnight June 26, 1977 and shall report the names and addresses of all persons to whom licenses have been sold and such other information as may be requested on blanks to be furnished by the director. The accounting and any applicable payment must reach the department headquarters on or before July 1, 1977. Any agent who fails to submit an accounting and/or payment when due shall pay, in addition to the payment due, a penalty of ten percent (10%) of the payment due. Failure to comply with this section may, upon the recommendation of the director and approval of the commission, cause the agent's license to be revoked.



10 Appropriation. There is hereby appropriated to the fish and game department the sum of \$1,000, in addition to any other sums appropriated for fiscal 1977, for the purposes of carrying out section 9 of this act and making an accounting changeover caused by increased license fees. The funds hereby appropriated shall be a charge against the fish and game fund and shall not lapse until June 30, 1978.

11 Effective Date. This act shall take effect as follows:

I. Sections 1 through 8 shall take effect at midnight June 26, 1977.

II. Section 9 and 10 shall take effect upon passage.

Amendment adopted.

Rep. LaMott offered an amendment.

#### Amendment

Amend RSA 214:25 as inserted by section 6 of the bill by striking out said section and inserting in place thereof the following:

214:25 Applications; Fees. The applicant whether a resident or nonresident shall fill out and subscribe to a blank to be furnished by the director, pay the applicable license fee, and the director shall thereupon issue a fur-buyer's license which shall entitle the licensee to buy and sell the furs and skins of fur-bearing animals lawfully taken, and to sell and transport the same, under the restrictions of this title. The director shall grant such licenses for the entire state upon the payment of a fee of \$50.50.

The Clerk read the amendment.

Rep. LaMott spoke to his amendment.

Amendment adopted.

Ordered to third reading.

HB 317, authorizing the conversion of state savings banks into federal savings banks. Inexpedited to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

A majority of the committee present and voting felt that this is unneeded anticipatory legislation.

The vote was 7-6.

Rep. Morgan moved that HB 317 be recommitted to the Committee on Commerce and Consumer Affairs.

Rep. Laurent Boucher spoke against the motion.

Reps. Burns, Plourde, Marshall French and Rossley spoke in favor of the motion. Adopted.

SB 2, permitting optometrists to advertise prices of glasses and contact lenses. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This is a very simple bill which allows optometrists to advertise price in order to help the consumer. They will be policed exclusively by Optometry Board to make certain that false and misleading advertising can be dealt with.

Rep. Morgan moved that SB 2 be recommitted to the Committee on Commerce and Consumer Affairs.

Reps. Baker and Sara Townsend spoke against the motion.

Reps. Parr and Rossley spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 151 NAYS 151

YEAS 151

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson, Lawton, Mansfield, Nighswander and Sanders.

CARROLL: Raymond Conley, Found, Howard and Keller.

CHESHIRE: Chase, Irvin Gordon, Krause, Marshala, Scranton, Terry, Whipple and Terry Wiggin.

COOS: Burns, Cooney, Bradley Haynes, Horton, Patenaude and Theriault.

GRAFTON: George Cate, Hough, LaMott, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Stomberg, Taffe, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Albert Bellemore, Brody, Burke, Coburn, Coutermarsh, L. Penny Dion, Drewniak, Girolimon, Granger, Cort Hansen, Knight, Lamy, Lyons, Marcoux, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Normand, Timothy O'Connor, Orcutt, Arnold Perkins, Plomaritis, Polak, Henry Richardson, Seamans, Simard, Sing, Stylianos, Francis Sullivan, Van Loan, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bibbo, Blakeney, Carroll, John Cate, Eugene Daniell, Foley, Gamache, Donna MacIvor, McNichol, Pelton, Plourde, Ralph, Rice, Gerald Smith, Tarr, Doris Thompson, Trachy, and Ernest Valliere.

ROCKINGHAM: Aeschliman, Appel, Barka, Benton, Campbell, Carpenito, Collins, Danforth, Davis, Flanagan, Beverly Gage, Gaskill, Gould, Griffin, Hartford, Kane, Kashulines, King, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Parr, Quimby, Richards, Rossley, Sarnborn, Skinner, Alfreda Smith, Stimmell, Vlack, Webster, Helen Wilson, Wolfson and Zabarsky.

STRAFFORD: Belhumeur, Bruce French, Hebert, Kelly, Kincaid, Morrisette, Nadeau, Ruel, Schreiber, Donald Smith, Valley and Voll.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Frizzell, Gray, LeBrun, Palmer and George Wiggins.

## NAYS 151

BELKNAP: Gary Dionne, Marsh and Kenneth Randall.

CARROLL: Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Dostilio, Faucher, Fillback, Galloway, Anne Gordon, Elmer Johnson, Lynch, Matson, Moore, Parker, Margaret Ramsay, Russell and Vrakatitsis.

COOS: Huggins, Hunt, Mabel Richardson, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Chambers, Clark, Copenhaver, Crory, Dearborn, Duhaime, Myrl Eaton, Mann, Snell, Glyneta Thomson and Ward.

HILLSBOROUGH: Ainley, Baker, Barrett, Bednar, Belanger, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Bridges, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Cullity, Catherine-Ann Day, William Desmarais, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Head, Heald, George Healy, Howard Humphrey, Thomas Hynes, Lachance, Levesque, McGlynn, McLaughlin, O'Neil, Paradis, Pelletier, Peters, Podles, Record, Paul Riley, Leonard Smith, Soucy, Spirou, St. George, Harold Thomson, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Bellerose, Laurent Boucher, Chandler, Richard Hanson, Hess, James Humphrey, LaBonte, Mullin, Pratt, Rich, Shepard, Stockman, Waters and Wiviott.

ROCKINGHAM: Akerman, Bisbee, Blake, Blanchette, William Boucher, Connors, Cummings, Robert Day, Erler, Felch, Ganley, Hoar, Lovejoy, Joseph McEachern, Niebling, Norton, Parolise, Rogers, Scamman, Schwaner, Splaine, Stratton and Tavitian.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Donnelly, Horgan, Jonas, Joos, Lefavour, Maglaras, Maloomian, Meader, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Sackett, Torrey, Tripp and Shirley White.

SULLIVAN: Ingram, Scott and Sara Townsend.

The Speaker voted Yea and SB 2 was recommitted to the Committee on Commerce and Consumer Affairs.

CACR 9, relating to restrictions on highway fund expenditures. Providing that highway revenues may be used for the development of all modes of transportation. Refer to the committee on Constitutional Revision for Interim Study. Rep. Jonas for Constitutional Revision.

Committee felt there was good intent, but the resolution needs further study.

Rep. Henry Richardson spoke to the resolution.

Adopted.

HB 325, prohibiting the state from using state funds to issue petitions favoring one side of an issue. Ought to Pass with Amendment. Rep. Hess for Constitutional Revision.

The Committee feels that passage of this bill would permit both sides of an issue to be heard. Although the Committee regrets that such legislation is necessary, testimony showed that some people feel that only a branch of government should have the right to petition on state property. The Committee unanimously feels this is wrong and that it needs to protect the right of citizens to petition.

## Amendment

Amend RSA 4:44 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

4:44 Equal Availability to State Facilities. If state facilities are used in the promotion of any particular viewpoint on any issue, the same facilities must be available or open to those of opposing views for their use.

Amendment adopted.

Ordered to third reading.

HB 553, relative to search and rescue operations; establishing a search and rescue review board and making an appropriation therefor. Ought to Pass with Amendment. Rep. Close for Executive Departments and Administration.

The bill establishes a procedure for search and rescue operations, for review of claims for reimbursement of those involved in such operations, and provides for workmen's compensation insurance. Committee vote was unanimous.

## Amendment

Amend RSA 206-A:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

206-A:5 Search and Rescue Review Board. There is hereby established a search and rescue review board consisting of 6 members, the director of the fish and game department, the director of safety services, the director of aeronautics, the director of the division of forests and lands, the director of the division of parks and recreation, or their designees and a member of the Appalachian Club who is a resident of the state to be appointed by the governor and council. The member of the Appalachian Club shall be appointed for a term of 3 years. The review board shall elect one of its members as chairman and one member as secretary. The officers so elected shall serve a 2 year term, provided that they otherwise remain members of said board, but may succeed

themselves. The review board shall meet not less than twice each calendar year, but may be called to meet as often as it is deemed to be necessary by the chairman of the review board. The Appalachian Club member of the search and rescue review board shall be entitled to mileage at the rate paid state employees when participating at a scheduled meeting of said board. The review board shall authorize the payment of any legitimate claim for reimbursement of legitimate expenses for necessary technical assistance from agencies of municipalities or private organizations that have been requested by the person in charge of such operation to participate in a search and rescue operation, without the submission of the claim in bill form to the general court. If any appropriation is made for the purpose of the payment of claims, the state treasurer is authorized upon request of the review board to pay said claim. If no appropriation has been provided or the appropriation is insufficient to meet any payment authorized by the review board the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated.

Rep. Dickinson yielded to questions. Reps. LaMott and Close spoke to the amendment.

Amendment adopted.

Referred to Appropriations.

HB 604, increasing the salaries of classified state employees, seasonal and temporary employees and making an appropriation therefor. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

The salaries of classified state employees are now the subject of collective bargaining negotiations. It would be inappropriate for the Legislature to act on this matter at this time.

Resolution adopted.

HB 171, amending the Rochester city charter to provide that the mayor shall be a nonvoting member of the school board and that the school board shall elect one of its voting members chairman for a 2 year term. Inexpedient to Legislate. Rep. Arnold Perkins for Municipal and County Government.

The mayor is an elected officer and if his policies are not supported, on the school board as elsewhere, the people have recourse at the polls.

Rep. Burchell moved that HB 171 be made a special order for Thursday, April 7, and spoke to his motion.

On a voice vote the Speaker was in doubt and requested a division.

171 members having voted in the affirmative and 169 in the negative, HB 171 was made a special order for Thursday, April 7.

HB 298, providing that taxes paid by cities and towns to counties be based on population only. Inexpedient to Legislate. Rep. Drewniak for Municipal and County Government.

The Committee urges this bill inexpedient as taxation by population rather than property valuation cannot fulfill the intent of more equitable taxation. This legislation would alter the concept of paying by ability by imposing a heavier burden on cities, while relieving the wealthier communities from paying their equal share.

Rep. Taffe moved that HB 298 be referred to Municipal and County Government for Interim Study, and spoke to her motion.

Rep. Richard Hanson yielded to questions.

Reps. Krasker and Chandler spoke against the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

Motion lost.

Resolution adopted.

HB 340, abolishing the police commission in Claremont. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

The Committee held a public hearing in Claremont with a good response from the citizens. Support for the commission ran four to one in favor. The citizens feel the question has been dealt with sufficiently in the past through hearings and referendum. Therefore, the Committee feels that a referendum would not be worthwhile at this time.

Rep. LeBrun moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps Richard Hanson and Mann spoke against the motion.

Reps. D'Amante and Desnoyer spoke in favor of the motion.

Rep. Richard Hanson yielded to questions.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 299 NAYS 56

YEAS 299

BELKNAP: Ambrose, Beard, Gary Dionne, Michael Hanson, Hildreth, Lawton, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Raymond Conley, Dickinson, Found, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Dostilio, Daniel Eaton, Galloway, Irvin Gordon, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis, Whipple and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Buckman, George Gate, Chambers, Clark, Copenhaver, Crory, Duhaime, Myrl Eaton, LaMott, Logan, McAvoy, Pepitone, Snell, Taffe, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Baker, Barrett, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Brody, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Dreniak, Dupont, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Knight, Lachance, LaFleur, Lamy, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martineau, McDonough, McGlynn, McLaughlin, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, Timothy O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Simard, Sing, Leonard Smith, Soucy, Spiro, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Sweeney, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McNichol, Mullin, Pelton, Plourde, Pratt, Ralph, Rice, Rich, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Robert Watson and Wiviotti.

ROCKINGHAM: Aeschliman, Akerman, Appel, Barka, Bisbee, Blake, Blanchette, William Boucher, Carpenito, Collins, Connors, Cummings, Cutcliffe, Danforth, Robert Day, Dunfey, Erler, Felch, Flanagan, Ganley, Goff, Gould, Grieco, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Quimby, Richards, Rogers, Rossley, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stratton, Tavitian, Wolfson and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Hebert, Dianne Herchek, Horrigan, Joncas, Joos, Kincaid, Lefavour, Maglaras, Maloomian, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Sara Townsend and George Wiggins.

NAYS 56

BELKNAP: Marshall French, Mansfield and Nighswander.

CARROLL: Clafin, Howard and Keller.

CHESHIRE: Close, Faucher, Fillback, Anne Gordon and Scranton.

COOS: Huggins and Patenaude.

GRAFTON: Ira Allen, Dearborn, Hough, Mann, Neil McIver, Rounds and Stomberg.

HILLSBOROUGH: Aubut, Bednar, Joseph Cote, Joseph Eaton, Martin, Arnold Perkins, Paul Riley, Seamans, Harold Thomson, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Blakeney, Richard Hanson, McLane, Arthur Perkins and Waters.

ROCKINGHAM: Aller, Benton, Campbell, Cunningham, Davis, Beverly Gage, Gaskill, Greene, Griffin, Scamman, Stimmell, Vlack, Webster and Helen Wilson.

STRAFFORD: Kelly, Meader and Donald Smith.

SULLIVAN: Spaulding and Tucker, and the motion to substitute, ought to pass, was adopted.

Ordered to third reading.

HB 473, relative to the taxation of the buildings and property of the university of New Hampshire system. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Callahan for Municipal and County Government.

In an attempt to give full consideration to the question of educational institutions tax exemptions and to be equitable to all the institutions involved, the Committee feels this issue merits further study.  
Resolution adopted.

HB 110, reclassifying a certain highway in the city of Somersworth. Inexpedient to Legislate. Rep. James J. White for Public Works.

Majority felt that this bill would not correct the existing problems relating to both safety and corrective maintenance solutions.



Rep. Dennis Ramsey moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. James White spoke against the motion.

Motion lost.

Resolution adopted.

HB 219, to reclassify certain highways in the city of Rochester. Inexpedient to Legislate. Rep. James J. White for Public Works.

The majority of the Committee felt that this bill would not correct the existing problems relating to both safety and corrective maintenance solutions.

Resolution adopted.

HB 174, increasing the fee for motorcycle operator's license to \$12 and providing an effective period for such licenses of 4 years. Ought to Pass. Rep. James Murray for Transportation.

The intent of the committee and of the legislature should this bill pass is that this bill should be mainly an effort to make the motor vehicle division's administration swifter, thereby helping it to better serve the public. This bill brings the fees and renewal time limits for motorcycle licensing in line with regular motor vehicle licensing. The motor vehicle division currently handles motorcycle licensing manually. This bill would correct that problem.

Ordered to third reading.

HB 442, relative to the commission and tax on running and harness horse races. Ought to Pass. Rep. Kenneth Smith, Sr. and John Winn for Ways and Means.

This bill raises the commission on exotic betting on thoroughbred racing from 18% to 25% and the commission on exotic betting on harness racing from 8% to 10%. The commissions on Win, Place and Show betting will remain the same.

The State will gain an anticipated \$800,000.00 in revenue by passage of this bill and the quality of racing at New Hampshire tracks will improve by offering larger purses to horsemen. The Committee vote was unanimous.

Rep. Kenneth Smith yielded to questions.

Reps. Spirou, Coutermarsh, Kenneth Smith, Benton and John Winn spoke in favor of the committee report.

Ordered to third reading.

#### RECONSIDERATION

Rep. Dostilio moved that the House reconsider its action whereby it killed HB 477, relative to the name New Hampshire Straight Chiropractic Society, and spoke to his motion.

Reps. Knight, Plomaritis, Rossley, Coutermarsh and Baker spoke against the motion.

Rep. Spaulding spoke in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 44 NAYS 306

YEAS 44

BELKNAP: Beard, Bowler, and James Murray.

CARROLL: None.

CHESHIRE: Dostilio, Galloway, Ladd, Proctor, Scranton and Terry Wiggin.

COOS: Oleson, Patenaude and Poulin.

GRAFTON: McAvoy, Rounds and Madeline Townsend.

HILLSBOROUGH: Ainley, Carswell, LaPlante, McGlynn, Fred Murray, Paradis, Paul Riley, Sing, Francis Sullivan, Kevin Sullivan and Sweeney.

MERRIMACK: Bellerose, Richard Hanson, LaBonte, Ralph, Tarr, Waters and Wiviott.

ROCKINGHAM: Kashulines, Laycock, Lovejoy and Nelson.

STRAFFORD: Donnelly and Hebert.

SULLIVAN: Barrus, Brodeur, Ingram, Spaulding and Sara Townsend.

NAYS 306

BELKNAP: Ambrose, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Marsh, Morin, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Faucher, Fillback, Anne Gordon, Irvin Gordon, Elmer Johnson, Krause, Lynch, Marshala, Matson, Moore, Parker, Margaret Ramsay, Russell, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Mabel Richardson, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Copenhagen, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Hough, LaMott, Logan, Mann, Neil McIver, Pepitone, Snell, Stomberg, Taffe, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Baker, Barrett, Bednar, Belanger, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack,

Bridges, Brody, Burke, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Kakkamanos, Karnis, Knight, Lachance, LaFleur, Lamy, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Martin, Martineau, McLaughlin, Morrison, Nardi, Nemzoff-Berman, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Seamans, Simard, Leonard Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Mullin, Pelton, Arthur Perkins, Plourde, Pratt, Rice, Rich, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Barka, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cummings, Cunningham, Cutliffe, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Canley, Caskill, Goff, Could, Greene, Griffin, Hartford, Kane, King, Krasker, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, Parolise, Parr, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wolfson and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Walter Desmarais, Bruce French, Dianne Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Maglaras, Maloomian, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torry, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: D'Amante, Desnoyer, Gray, LeBrun, Lewko, Palmer, Scott and George Wiggins, and reconsideration lost.

The Subcommittee on Resolutions and Screening having approved its adoption, Reps. Sara Townsend, Plourde and Rossley offered the following:

#### HOUSE RESOLUTION NO. 24

WHEREAS, there exists today a great deal of concern relative to the concept of occupational licensing and regulatory boards; and

WHEREAS, over 20 other states have recognized that serious problems exist with, and have taken affirmative action to correct, the composition of boards, the relationship between boards and their trade members and the need for increasing funding of boards; and

WHEREAS, bills were presented in the 1977 Session of the General Court dealing with the creation of new boards, the adding of new members to existing boards and the expansion of the scope of authority of existing boards; and

WHEREAS, the House of Representatives adopted a resolution instructing the Speaker of the House to appoint a Special Committee on Licensing Practices and instructed that committee to report its findings and recommendations to the Speaker by April 1, 1977; and

WHEREAS, the Special Committee on Licensing Practices has recommended in its report that an Interim Committee be established; now, therefore, be it

RESOLVED by the House of Representatives:

That the House of Representatives instruct the Speaker of the House to appoint a seven-member Interim Committee on Occupational Licensing and Regulatory Boards to review the entire area of licensing procedures practiced in the state and all state agencies' relationships with individual boards as they relate to potential consolidation; and

That the Interim Committee shall have authority to subpoena witnesses subject to a majority vote of the entire committee and, in each case, with the approval of the Speaker of the House; and

That the Interim Committee on Occupational Licensing and Regulatory Boards shall file a report of its findings and recommendations with the Speaker of the House no later than June 1, 1978.

The Assistant Clerk read the resolution.

Rep. Sara Townsend spoke to the resolution.

(Rep. Marshall French in the Chair)

Rep. Trachy spoke in favor of the resolution.

(Speaker in the Chair)

Rep. Plourde spoke in favor of the resolution.

Rep. Cornelius spoke to the resolution. Rep. Marshall French moved that HR 24 be made a special order for Tuesday next and spoke to his motion.

Rep. Spirou spoke against the motion. Reps. Sara Townsend, Oleson, Rossley and LaMott spoke in favor of the motion. Unanimously adopted.

#### THREE-DAY EXTENSIONS GRANTED

HB 409, changing the name of RSA 483-A and specifying that certain penalties relative to state waters apply to all violators. (Resources, Recreation and Development)

HB 414, relative to the discharge of effluents from boats. (Resources, Recreation and Development)

HB 411, relative to the regulation of security deposit retention by landlords. (Statutory Revision)

HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles. (Transportation)

HB 229, amending certain provisions of the statutes relative to OHRVs. (Transportation)

HB 246, authorizing savings banks to invest in subsidiary corporations engaged in personal property lease financing. (Commerce and Consumer Affairs)

HB 396, relative to advertising by public utilities. (Commerce and Consumer Affairs)

HB 239, providing for local designation of certain specified resource areas as critical and locally regulating land use therein. (Environment and Agriculture)

HB 240, exempting certain towns from the prohibition against burning refuse in an open pit. (Environment and Agriculture)

HB 393, relative to the penalty for throwing litter from any motor vehicle, boat or airplane. (Environment and Agriculture)

HB 247, amending the charter of the city of Laconia relative to the police commission. (Municipal and County Government)

HB 398, imposing fines on zoning violators. (Municipal and County Government)

HB 109, designating "New Hampshire's Granite State" as a state song. (Claims, Military and Veterans Affairs)

#### ENROLLED BILLS REPORT

HB 210, making it illegal to take trout less than 6 inches in length.

Rep. Josephine Martin  
For the Committee.

#### SUSPENSION OF RULES

Rep. Claflin moved that the rules be so far suspended as to permit the Committee on Resources, Recreation and Development to hold a hearing without the required notice in the Calendar on HB 414, relative to the discharge of effluents from boats.

Adopted by the necessary two-thirds.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 7 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 78, increasing the fees for hunting and fishing licenses; revising the fees for members of the armed forces; requiring an agent's special accounting for the period ending June 26, 1977; and making an appropriation therefor.

HB 174, increasing the fee for motorcycle operator's license to \$12 and providing an effective period for such licenses of 4 years.

HB 325, prohibiting the state from using state funds to issue petitions favoring one side of an issue.

HB 442, relative to the commission and tax on running and harness horse races.

HB 340, abolishing the police commission in Claremont.

#### RECONSIDERATION

Rep. Coutermarsh moved that the House reconsider its action in passing HB 442, relative to the commission and tax on running and harness horse races, and spoke against the motion.

Reconsideration lost.

#### COMMITTEE ASSIGNMENTS

Rep. Mark Connolly on Constitutional Revision.

Rep. Corser off Constitutional Revision.

365 members were recorded as present.

#### RECESS

(Rep. Marshall French in the Chair)

Rep. Cummings offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 874 through 892 and House Bill of Intent 2025 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS AND

##### HOUSE BILL OF INTENT

First, second reading and referral

HB 874, repealing the law that exempts the department of employment security from the right to know law. (Splaine of Rockingham Dist. 19; Burchell of Strafford Dist. 12; Dunfey of Rockingham Dist. 12 - To Constitutional Revision.)

HB 875, relative to professional counseling and other services for children of a divorce. (Roberts of Belknap Dist. 4 - To Judiciary)

HB 876, relative to prior service credit of group I members of the retirement system. (Day of Hillsborough Dist. 26; Vrakatitsis of Cheshire Dist. 12; Plourde of Merrimack Dist. 7; Carroll of Merrimack Dist. 19; Mann of Grafton Dist. 6 - To Executive Departments and Administration)

HB 877, relative to the filling of vacancies on the Laconia school board. (Murray of Belknap Dist. 5 - To Municipal and County Government)

HB 878, requiring the listing of the chemical names of ingredients on the containers of prescription drugs. (Cote of Hillsborough Dist. 28 - To Health and Welfare)

HB 879, prohibiting telephone companies from charging a toll for any call placed to another phone within the geographical boundaries of a town. (Sanders of Belknap Dist. 4; Taffe of Grafton Dist. 5 - To Science and Technology)

HB 880, relative to telephone calls to emergency services in towns. (Sanders of Belknap Dist. 4; Taffe of Grafton Dist. 5 - To Science and Technology)

HB 881, relative to the recovery of local assistance. (Bednar of Hillsborough Dist. 14; Wiggins of Sullivan Dist. 8; Dickinson of Carroll Dist. 2 - To Constitutional Revision)

HB 882, imposing a mandatory minimum of 6 month sentence for conviction of operating under the influence of intoxicating liquor or controlled drug with another's death resulting. (Brack of Hillsborough Dist. 28 - To Judiciary)

HB 883, providing for final and binding arbitration under the public employee labor relations law. (O'Connor of Strafford Dist. 18; Cornelius of Grafton Dist. 13 - To Labor, Human Resources and Rehabilitation)

HB 884, relative to the payment of wages to an employee who reports to work at the request of his employer. (Skinner of Rockingham Dist. 3-A; Nighswander of Belknap Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 885, prohibiting municipal transit authorities from competing with private enterprise in non-transportation activities. (Cote of Hillsborough Dist. 28 - To Transportation)

HB 886, permitting the reduction of an employer's or employee's insurance carrier's lien under the workmen's compensation law in certain cases. (Sweeney of Hillsborough Dist. 34 - To Labor, Human Resources and Rehabilitation)

HB 887, relative to recoveries from third persons under the workmen's compensation law. (Sweeney of Hillsborough Dist. 34 - To Judiciary)

HB 888, relative to the disposition of district court fines. (Close of Cheshire Dist. 15; Russell of Cheshire Dist. 13 - To Judiciary)

HB 889, restricting the powers of a board of adjustment in the granting of use variances. (Krasker of Rockingham Dist. 22; Zabarsky of Rockingham Dist. 22; Griffin of Rockingham Dist. 19 - To Municipal and County Government)

HB 890, requiring all registered barbers to attend seminars. (Dearborn of Grafton Dist. 11 - To Commerce and Consumer Affairs)

HB 891, to establish a study committee to examine the technological, scientific,

environmental and economic feasibility and impact of developing and making available hydroelectric power to supply electric energy to the people of New Hampshire. (Cornelius of Grafton Dist. 13 - To Science and Technology)

HB 892, relative to temporary transfer of prisoners. (Rice of Merrimack Dist. 10 - To State Institutions)

HBI 2025, Relating to: the impact of the public employee labor relations law on state government. (O'Connor of Strafford Dist. 18 - To Labor, Human Resources and Rehabilitation)

(Speaker in the Chair)

Rep. Marshall French moved that the House adjourn.

Adopted.



# HOUSE JOURNAL 24

*Thursday, 7 Apr 77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

O God of love, whose most gracious Son rode into a city which hailed Him and then rejected Him; we give You thanks that His spirit is forever seeking entrance into our world's life - coming as the impulse to sympathy between person and person; as the will to brotherhood eager to banish all suspicions and hatred; as the self-giving spirit which bears the burdens of others, even to a cross. Give us responsive spirits that as You meet us in this place and in the life of our time, we may know Him for the revelation of Your truth, mercy, hope and love. Amen!

Rep. Cornelius led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Forsaith Daniels, Burrows, Anthony Randall, Alter, Welch and Cotton, the day, illness.

Rep. Crotty, the day, illness in the family.

Reps. Doris Riley, Lucas, Donald Smith, Krause, Dunfey, Wiviott and Chapman, the day, important business.

## INTRODUCTION OF GUESTS

Mr. Charles Leerhsen of Columbus, Ohio, guest of Rep. Faucher; Mrs. Mary Lou Brienza, checklist supervisor from Salem, guest of Rep. Laycock; Andrea Rice, daughter of Rep. Rice; Jon Fitts and Stacey Frost, members of State and Local government Class of Oyster River High School, guests of Reps. Sackett, Voll, Horrigan and Schreiber; Fred Dion, husband and guest of Rep. L. Penny Dion; Midshipman George H. Baker, Jr., U.S. Naval Academy, son and guest of Rep. Baker and Midshipman Paul Dirito of Sunnyvale, California, roommate of Midshipman Baker.

Mr. Russell Chase, Republican Caucus Chairman in the 1975 Session, addressed the House briefly and presented the Speaker with a horn beam gavel, bearing the inscription "The General Court House of Representatives," and the State seal.

## PETITION

The town of Windham has petitioned the House not to take away any present or additional funds from the town.

## SENATE MESSAGES

### CONCURRENCE

HB 271, relative to the proper display of the state and national flags.

HB 106, relative to appointment of medical referees by county commissioners.

HB 425, making a special appropriation for moving the department of safety from the John O. Morton building and other locations to the James H. Hayes safety building.

HB 43, relative to the service tax exemptions for real estate taxes.

HB 170, relative to property tax exemptions for certain disabled servicemen.

HB 329, relative to the tenure of the poet laureate of New Hampshire.

HB 238, relative to the investment powers of savings banks.

HB 323, relative to loss of settlement for participation in local work programs.

HB 307, allowing town selectmen to set the beano fee from \$1.00 to \$25.00.

HB 156, relative to property tax list.

## NONCONCURRENCE

HB 133, prohibiting self-sustaining departments of municipal government from exceeding appropriations voted for their departments without complying with the provisions of RSA 32:10-a.

## INTRODUCTION OF SENATE BILLS

SB 110, relative to possession of account books and making of payments by a school district treasurer. (Education)

SB 96, establishing an optional procedure to make emergency expenditures under the municipal budget law. (Municipal and County Government)

SB 61, relative to the treatment of juveniles as adults in criminal cases. (Judiciary)

SB 80, relative to the sale of cider. (Regulated Revenues)

SB 118, relative to reporting all resources received by a welfare recipient. (Health and Welfare)

SB 139, making an appropriation for office space renovation at the John O. Morton building. (Public Works)

## ENROLLED BILLS REPORT

HB 43, relative to the service tax exemption for real estate taxes.

HB 106, relative to the appointment of medical referees by county commissioners.

HB 170, relative to property tax exemptions for certain disabled servicemen.

HB 271, relative to the proper display of the state and national flags.

HB 245, making a special appropriation for moving the department of safety from the John O. Morton building and other locations to the James H. Hayes safety building.

Rep. James J. White  
For the Committee

## ENROLLED BILLS AMENDMENT

HB 158, relative to the compensation of tax collectors. (Amendment printed in SJ of 4/5)

This amendment makes a technical change in the amending clause so that it conforms to the required style.

Adopted.

## SENATE MESSAGE

## REQUEST CONCURRENCE TO AMENDMENT

HB 119, authorizing the position of hearing officer in the department of education. (Amendment printed in SJ April 5)  
Rep. Gemmill moved that the House concur.

Adopted.

## THREE-DAY EXTENSIONS GRANTED

HB 408, authorizing savings banks to lend investment securities. (Commerce and Consumer Affairs)

HB 461, relative to the qualifications of alarm installers. (Commerce and Consumer Affairs)

HB 413, establishing a standard for high school graduates. (Education)

## SIX-DAY EXTENSIONS GRANTED

HJR 2, to provide for the application by the State of New Hampshire to the Congress of the United States for the calling of a convention for proposing an amendment to the Constitution of the United States. (Constitutional Revision)

HB 281, excluding land zones as "industrial" from the provisions of RSA 79-A, except if said land is subject to discretionary easements. (Environment and Agriculture)

HB 445, relative to the penalty of a non-resident salt water fishing without a license. (Fish and Game)

HB 428, requiring enclosed malls to provide public rest rooms. (Health and Welfare)

HB 280, relative to ownership of certain unlicensed dogs and the penalty involved for not licensing a dog. (Municipal and County Government)

HB 444, relative to the powers of the city council of Dover; providing for council confirmation of all appointments made by the city manager, and providing for removal from office by the council. (Municipal and County Government)

HB 460, amending the formula for computing the elderly and expanded elderly real estate tax exemptions. (Municipal and County Government)

HB 466, permitting cities and towns to set their own fee schedules for dog licenses. (Municipal and County Government)

HB 452, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. (Regulated Revenues)

HB 469, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 19 years. (Regulated Revenues)

HB 463, increasing the amount of the homestead right. (Statutory Revision)

HB 287, relative to defining limited access highways in regulating OHRVs. (Transportation)

HB 457, redefining the term "motor truck" in the motor vehicle laws. (Transportation)

HB 465, redefining the term "emergency vehicle" in the motor vehicle laws. (Transportation)

## SENATE MESSAGE

## REQUESTS CONCURRENCE TO AMENDMENT

HB 332, requiring records relative to meals and rooms tax to be kept by each operator for a 3 year period. (Amendment printed in SJ 4/5)

Rep. McLane moved that the House concur.

Adopted.

The Speaker called for the Special Order.

HB 171, amending the Rochester city charter to provide that the mayor shall be a nonvoting member of the school board and that the school board shall elect one of its voting members chairman for a 2 year term. Inexpedient to Legislate. Rep. Arnold Perkins for Municipal and County Government.

The mayor is an elected officer and if his policies are not supported, on the school board as elsewhere, the people have recourse at the polls.

Rep. Charles Grassie moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate.

A quorum count was requested.

The Speaker declared a quorum present.

Rep. Grassie spoke to his motion.

Reps. Preston, Appleby, Eugene Daniell and Richard Hanson spoke against the motion.

Reps. Burchell and Beard spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 93 NAYS 225

YEAS 93

BELKNAP: Beard and Gary Dionne.

CARROLL: Roderick Allen and Found.

CHESHIRE: Daniel Eaton, Lynch, Parker, Proctor, Russell, Terry and Terry Wiggin.

COOS: Bradley Haynes, George Lemire, Oleson, Poulin and Wiswell.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Neil McIver, Stomberg, Taffe and Michael Woodard.

HILLSBOROUGH: Albert Bellemore, Mark Connolly, Currier, Catherine-Ann Day, Arline Dion, Gelinas, Girolimon, Cort Hansen, Kaklamanos, Knight, LaFleur, Martin, McGlynn, Morrison, Orcutt, Pappas, Plomaritis, Sing, Edward Smith, St. George, Stahl, Kevin Sullivan, Emma Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Blakeney, Bodi, Carroll, Foley, Pelton, Rice, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Barka, Blanchette, Carpenito, Gaskill, Krasker, Laycock, Donna McEachern, Parr, Quimby, Vlack, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Kelly, Lessard, Morrisette, Dennis Ramsey, Schreiber, Torrey, Valley and Shirley White.

SULLIVAN: Brodeur, Desnoyer, Gray, LeBrun and Sara Townsend.

#### NAYS 225

BELKNAP: Marshall French, Goyette, Lawton, Mansfield, Marsh, James Murray, Kenneth Randall and Sanders.

CARROLL: Raymond Conley, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Chase, Close, Dostilio, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Marshala, Matson, Moore, Slack, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Huggins, Hunt, Keough, Theriault, Alcide Valliere, Willey and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Bosse, Roland Boucher, Brack, Brody, Burke, Carswell, Coburn, Margaret Cote, Coughlin, Cullity, William Desmarais, L. Penny Dion, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Head, Heald, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Lachance, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martineau, McDonough, McLaughlin, Fred Murray, Kerry O'Connor, Timothy O'Connor, O'Neil, Paradis, Pelletier, Arnold Perkins, Podles, Polak, Record, Henry Richardson, Paul Riley, Seamans, Simard, Leonard Smith, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson and Robert Wheeler.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, LaBonte, McLane, McNichol, Mullin, Packard, Arthur Perkins, Pratt, Ralph, Rich, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Appel, Bisbee, Blake, William Boucher, Campbell, Collins, Connors, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Felch,

Flanagan, Beverly Gage, Gould, Greene, Griffin, Hartford, Hoar, Kashulines, King, Lovejoy, Joseph MacDonald, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmel, Stratton, Tavitian, Webster and Wolfson.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Joncas, Joos, Kincaid, Lefavour, Maglaras, Maloomian, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Ruel, Tripp, and Voll.

SULLIVAN: Barrus, Ingram, Lewko, Scott, Spaulding and George Wiggins, and the motion failed.

Resolution adopted.

#### COMMITTEE REPORTS (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 450, 313, 618, SB 21, HBs 318, 107, 540, SB 5, HBs 336, 364, 397 and 429, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 565, 322, 243, 410, 359, 415, 468, 467, SB 63, HBs 446, 311 and 430, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HBs 372, 250, 386 and 427, and further moved that the House adopt the committee recommendation of Refer to Interim Study by the appropriate standing committees on HBs 417, 179 and 599.

HB 313 was withdrawn from the Consent Calendar at the request of Rep. Heald

HB 336 was withdrawn from the Consnet Calendar at the request of Rep. Eugene Daniell.

HB 318 was withdrawn from the Consent Calendar at the request of Rep. James J. White.

HB 540 was withdrawn from the Consent Calendar at the request of Rep. Ward.

HB 599 was withdrawn from the Consent Calendar at the request of Rep. Foley.

HB 397 was withdrawn from the Consent Calendar at the request of Rep. Dennis Ramsey.

HB 427 was withdrawn from the Consent Calendar at the request of Rep. George Wiggins.

Adopted.

HB 450, clarifying registration requirements for senior technicians as alarm installers. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs

The bill provides for a one time only \$2.00 registration fee for a senior technician's license as an alarm installer and not an annual \$2.00 fee. The committee felt this bill unnecessary at this time.

Unanimous vote of inexpedient.

HB 618, prohibiting the illuminating of wildlife during the months of September, October and November. Inexpedient to Legislate. Rep. Polak for Fish and Game.

Majority of the Committee felt the bill was not necessary and would not aid the problem of jacking deer. Vote in Committee was 9 - 8.

SB 21, relative to the forfeiture of propelled vehicles used in the commission of certain crimes. Inexpedient to Legislate. Rep. Carpenito for Judiciary.

The constitutionality of this bill is doubtful. The Committee felt that the implementation of such a measure would be an unusual and extreme punishment and set a dangerous precedent for the category of crimes the bill addressed.

HB 107, relative to publicly funded relief for volunteer ambulance drivers. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

Testimony at the hearing revealed that this legislation was unnecessary, and as a result, the bill was withdrawn by the sponsor.

SB 5, permitting licensed establishments and holders of on-sale permits to advertise their prices by the drink or beverage. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The Committee felt that the present law is satisfactory and should not be changed. The vote was 13 - 0.

HB 364, establishing a medical advisory board in the division of motor vehicles, department of safety and making an appropriation therefor. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee unanimously feels that the addition of a medical advisory board, for the money it would cost in this fiscally difficult time, would be an unwise decision. Besides the fear that this board's power could be used indiscriminately the Committee feels the Department of Safety already has enough provisions to deal with decisions arising from medical questions about selected persons ability to drive.

HB 429, relative to highway markings. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Department of Safety for which this bill was sponsored, suggested that the allowance for breaking the yellow line after a passing zone be shortened to one hundred from the previous three hundred feet as stated in HB 429.

The Committee feels, in light of this proposal, the bill loses attainment of its objective to make passing procedures on the highway safer and less confusing. It is agreed unanimously that the statute presently in the books, RSA 262-A:21, is sufficient.

HB 565, providing for payment of a claim to Barbara Cyr and making an appropriation therefor. Ought to Pass. Rep. Myrl Eaton for Claims, Military and Veterans Affairs.

Certain of the employees of the Laconia State School work in close contact with patients who may become irrational and unruly. In the instant claim a patient did actually tear the uniform of a therapist to such a degree as to require replacement of the garment at a cost of \$20.00.

HB 322, relative to the unsecured loaning authority of cooperative banks, building and loan associations and savings and loan associations. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

The bill expands the authority for loan applicable to cooperative banks by allowing them to loan up to the full value of any asset acquired by it and to amortize the loan over the remaining life of the asset. Unanimous Committee vote.

HB 243, relative to a hunting accident in which a person is wounded or killed. Ought to Pass. Rep. Pratt for Fish and Game.

This bill clarifies the laws in regard to an accident when a person is wounded or killed. Vote was 17 - 0.

HB 410, relative to the competency of persons applying for a hunting license for the first time and making an appropriation therefor. Ought to Pass. Rep. Stimmell for Fish and Game.

This bill tightens up rules under hunter safety programs. Vote 17-0. Referred to Appropriations.

HB 359, permitting any person 16 years of age or over to be prosecuted as an adult for a violation of any fishing law. Ought to Pass. Rep. Polak for Fish and Game.

This bill adds one line to the RSA which clarifies the present statute by adding (fishing) to present law.

HB 415, relative to penalties if found intoxicated while hunting and relative to implied consent. Ought to Pass. Rep. Scott for Fish and Game.

This bill adds the implied consent law as a tool for law enforcement. Vote was 15 - 1.

HB 468, opening Christine lake in the town of Stark to ice fishing. Ought to Pass. Rep. Theriault for Fish and Game. Testimony from five representatives from Coos County and two fish and game clubs with approximately 800 members, as well as the Fish and Game Department, were all in favor of passage. Vote in Committee was 16 - 1.

HB 467, relative to charging manner of death. Ought to Pass. Rep. Lewko for Judiciary.



This bill was requested by the Attorney General. It amends the law which states the degree of specificity required in an indictment for murder. Present law uses legal terms which are not applicable in the Criminal Code, and this bill updates the law by using terms and references which are applicable under the Criminal Code.

SB 63, relative to real estate tax lien for the elderly or disabled. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

This bill is a housekeeping measure which simply adds the words "or each year" to the application procedure, clarifying the need for annual reapplication.

HB 446, relative to appeals from decisions of the racing commission and the greyhound racing commission. Ought to Pass. Rep. Sanborn for Regulated Revenues.

This bill, supported by the Attorney General's Office, will prevent an appeal to Superior Court by applicants denied a dog or horse racing license. Vote was 11 - 0.

HB 311, relative to notice by the conservation commission to the water resources board on local investigations pending dredge and fill approval. Ought to Pass. Rep. Clafin for Resources, Recreation and Development.

The bill extends from 7 to 14 days the time a local conservation commission has to notify the water resources board that it intends to conduct a local investigation of a dredge and fill proposal. Difficulties of local postal communication have made present notification an unreliable process, and the maximum increase in time can be no more than the additional 7 days.

HB 430, authorizing dealers to issue temporary plates for twenty days. Ought to Pass. Rep. James Murray for Transportation.

The intent of the committee and the legislature should this bill pass is to put the present temporary plate law in accord with the "modern" mailing capabilities.

The present temporary plate issuance of 10 days only gives a car owner time to mail for his registration to and from the motor vehicle division, but no time for processing at the division. The new 20 day issuance should give new car owners a more reasonable time to meet our state's registration requirements.

HB 372, relative to authority of Franklin Pierce College to confer degrees. Ought to Pass with Amendment. Rep. Chandler for Education.

The bill recognizes the corporate separation of the Law Center and Franklin Pierce College, and extends the degree granting powers of both institutions.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to authority of Franklin Pierce College and the Franklin Pierce Law Center to confer degrees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Franklin Pierce College. Amend 1965, 471:1, as amended by 1969, 554:1 and 1974, 3:1 by striking out said section and inserting in place thereof the following: 471:1 Franklin Pierce College.

Franklin Pierce College, a voluntary corporation formed under the provisions of RSA 292 is hereby authorized and empowered to establish and maintain an institute of learning to be known as Franklin Pierce College, to prescribe the rules for the government of said college and the courses of studies to be pursued therein, and to confer upon graduates thereof the degrees of bachelor of arts and bachelor of science to the qualifying candidates and to give customary honorary recognition to outstanding individuals for noteworthy achievements.

#### 2 Franklin Pierce Law Center.

Franklin Pierce Law Center Corporation, a higher education corporation formed under the provisions of RSA 292, is hereby authorized until June 30, 1979, to grant the graduate level degree of juris doctor and, subject to the approval of the American Bar Association, the graduate level degree of master of laws and to grant customary honorary recognition to outstanding individuals for noteworthy achievements.

#### 3 Postsecondary Education Commission.

The Postsecondary Education Commission shall, no later than February 1, 1979, report to the legislature with recommendation whether the authority of Franklin Pierce Law Center Corporation to grant the degrees of juris doctor and master of laws, should be revoked, continued on a provisional basis, or made permanent. Pending the making of such report, the Commission shall make such inspection of, and require such reports, including financial reports, from said Law Center as it shall deem requisite.

4 Effective Date. This act shall take effect upon its passage.

HB 250, establishing procedures for search and rescue operations; establishing a search and rescue account, and making an appropriation therefor. Ought to Pass with Amendment. Rep. Harold Thomson for Fish and Game.

The Committee vote was 17 - 0. Adds workmen's compensation insurance for volunteers and supplies general fund money for search and rescue.

## Amendment

Amend RSA 206-A as inserted by section 2 of the bill by inserting after section 4 the following new section and renumbering the original sections 5 - 7 to read as:

6, 7 and 8 respectively.  
206-A:5 Search and Rescue Crew. There is hereby established in the fish and game department a search and rescue crew to aid in the operations prescribed by this chapter. The director of the fish and game department shall employ the crew members and shall, when said crew members are not involved in search and rescue operations, assign them to the conservation officer districts he deems advisable to aid the officers thereof with their duties. The crew shall consist of 5 classified employees, to be hired for the year following the effective date of this act, and, thereafter, the crew shall consist of 7 classified employees. The compensation of the crew members shall be a charge against the search and rescue account established by RSA 206-A:5.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation. The sum of \$50,000 is appropriated for the fiscal year ending June 30, 1978, and the sum of \$50,000 is appropriated for the fiscal year ending June 30, 1979 to the department of fish and game for search and rescue purposes. The sums hereby appropriated shall be continuing and shall not lapse. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Referred to Appropriations.

HB 386, relative to liens on vessels, boats, and vessel or boat motors. Ought to Pass with Amendment. Rep. Bodi for Judiciary.

Unlike the automotive and other related service areas, the marine industry has no statutory lien for services rendered. This bill, as amended, would recognize a statutory lien for work and services as well as transportation and storage for vessels, boats and motors. The amended bill satisfied both the banking and marine industries.

## Amendment

Amend RSA 450-A:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

450-A:3 Hauling or Transportation.

I. Any person who maintains a public boatyard, marine dealership or the like who shall, by himself or others, haul, transport, move or expend money in hauling, transporting or moving a vessel, boat, or vessel or boat motor under a contract, expressed or implied, with the legal or equitable owner, shall have a lien upon such vessel, boat, or vessel or boat motor so long as the same shall remain in his possession, until the charges for said services have been paid.

II. In the event such person performing services described in this section relinquishes possession of said vessel, boat, or vessel or boat motor, the lien created by paragraph 1 shall thereupon terminate, and such person shall thereafter have a non-possessory lien in said vessel, boat or vessel or boat motor which shall continue for 2 years from the time the indebtedness became due and payable. Such non-possessory lien shall be subordinate to all prior and subsequent security interests perfected in accordance with RSA 382-A, Article 9, and to the rights of subsequent purchasers for value without actual notice of such lien. It shall be enforceable by suit at law against the debtor commenced within such 2 year period, and to which all persons claiming a legal or equitable interest in the vessel, boat, or vessel or boat motor are made parties. If the lienholder shall peaceably regain possession of such vessel, boat, or vessel or boat motor within such 2 year period, and if the rights of a purchaser for value without actual notice have not intervened, then such lien may be enforced by sale in accordance with RSA 450-A:4, except that the proceeds of any such sale shall be first used to satisfy any security interests hereinbefore mentioned to which such lien is subordinate.

Amend RSA 450-A:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

450-A:4 Notice and Sale. If any of the charges referred to in this chapter shall remain unpaid for 60 days, the lienholder in possession may sell such vessel, boat, or vessel or boat motor at public sale. Notice of such sale, upon any holder of a security interest in such vessel, boat, or vessel or boat motor filed in accordance with RSA 382-A, Article 9, stating the time and place of the sale, the property to be sold and the amount of the lien thereon. Any such holder of a security interest shall be entitled to redeem the property prior to sale by payment of the amount of lien. The balance of the proceeds of such sale, after first paying the amount of the lien and the reasonable expenses incident to the sale, and after satisfaction of any security interests filed in accordance with RSA 382-A, Article 9, shall be paid to the general owner or person entitled thereto, on demand.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

HB 417, relative to obtaining a peddlers license. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Lamy for Commerce and Consumer Affairs.

Further study is needed to protect the consumer.

HB 179, requiring the reporting of well digging information to the state geologist. Refer to the Committee on Environment and Agriculture for Interim Study. Rep. Rogers for Environment and Agriculture.

The problem of finding enough water for the increased population of the state is becoming very real. The Committee would like time to study the proper method of cataloging this valuable resource.

#### COMMITTEE REPORTS (Regular Calendar)

HB 484, to reimburse towns and cities for educational costs of foster children and making an appropriation therefor. Inexpedient to Legislate. Rep. Moore for Education.

This is a laudable bill, but the Committee believes that it should address the problem of all foster children. A subcommittee will work with Appropriations to incorporate the good parts of this bill into HB 217, already in Appropriations. Committee vote was 15-0.  
Resolution adopted.

HB 543, relative to the regulation of strip mining and making an appropriation therefor. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture. Modern technology has made mining of low grade mineral deposits attractive enough so New Hampshire can expect mining activity in the near future. In fact some has already been reported. This bill, as amended, provides a reasonable first step towards the orderly development of such resources.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to mining and the reclamation of mined lands and making an appropriation therefor.

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

1 Mining. Amend RSA by inserting after chapter 12-D the following new chapter:

#### CHAPTER 12-E

#### Mining

12-E:1 Purpose. It is the purpose of this chapter to encourage the prudent exploration for, and development of the state's mineral resources. Exploration and development which is prudent is that which is executed in such manner as not to cause undue detriment to the natural environment; in such a manner as not to harm the health, safety, or general welfare of the public. Prudent development means reclamation of the affected land for productive uses,

including but not limited to, the planting of forests, cultivation for agriculture, and the encouragement of wildlife and aquatic resources.

12-E:2 Definitions. As used in this chapter:

I. "Affected area" or "mining area" means the land or water upon, in, or under which mining is conducted or is to be conducted; or that land or water which is or will be substantially affected physically or chemically.

II. "Aquifer" means a water-bearing bed or stratum of permeable earth, rock, and/or gravel.

III. "Board" means the mining advisory board.

IV. "Commissioner" means the commissioner of the department of resources and economic development.

V. "Director" means the director of the division of forests and lands, department of resources and economic development.

VI. "Mineral" means any valuable inert or lifeless substance whether of a metallic or non-metallic nature, found in or upon the soil of the earth, in or beneath the waters of the state, or in the rocks beneath the soil. This includes, but is not limited to, diatomaceous earth, coal, peat, oil, gas, topsoil, uranium, but shall not include sands or gravel.

VII. "Mining" and "mining operations" means the process of extracting or removing in any form minerals, rocks, or earth materials from the surface or from beneath the surface of the land or from the waters or from beneath the waters of the state. It includes the removal or transport of other materials incidental to removing or extracting the sought-for materials. It includes the transportation, handling and storage of stone, diatomaceous earth, or minerals, materials, overburden, waste, and tailings. It shall not include excavation or grading whose primary purpose is the preparation of a site for a construction project.

VIII. "Mining Plan" means a description of the physical characteristics of the proposed shaft, drift, cut or open pit; and includes but not limited to, an analysis of handling the overburden; the manner of controlling for water; and the manner and timing of reclamation.

IX. "Operator" means the person or persons whose name or names appear on the mining permit application, the mining plan and schedule, the reclamation plan; and the one who signs the bond required by this chapter.

X. "Overburden" means earth and other natural materials over, around, and under the minerals which will be displaced by mining operations.

XI. "Person" means an individual, partnership, association, joint venture, corporation, or other legal entity.

XII. "Prospecting" means any geological, geochemical or geophysical technique utilized to investigate and determine the existence, nature, quality



or quantity of any mineral utilizing any manner of equipment on the surface, in the water or underground, where such information will possibly be utilized by a person conducting a mining operation.

XIII. "Reclamation" means the rehabilitation of a mine site in a condition that is satisfactory for acceptable subsequent use of the land, or in a condition conducive to the re-emergence of indigenous natural vegetation.

12-E:3 Administration. The director of the division of forests and lands, with the approval of the commissioner of the department of resources and economic development, shall administer and enforce this chapter. The governor with the advice and consent of the executive council, shall appoint a mining advisory board. The members of the board shall serve a term of 4 years on a staggered term basis. The mining advisory board shall be composed of a licensed mining or civil engineer, a representative of mining interests, a representative of the state conservation committee, the director of the water supply and pollution control commission or his appointee, and a member from the general public. The mining advisory board shall meet at least once a year and shall aid the director by assisting in the formulation of guidelines, rules, and regulations.

12-E:4 Exploration. Any person proposing to prospect for minerals or mineral products shall, prior to the commencement of any prospecting activities, secure a prospecting permit, or in the case where prospecting has begun by a person prior to the effective date of this chapter, such person may continue prospecting activities after first securing from the director a prospecting permit. Such permit may be issued upon application on forms provided by the department subject to the payment of a \$5 filing fee for a term of not more than one year upon conditions as shall be determined by the director in conformity with the purposes of this chapter. Such license shall not entitle any person to prospect upon any land owned, leased, rented or occupied by another without the express written permission of the land owner and other persons having a legal interest in the land or of the mineral rights therein. Permits issued under the provisions of this section shall be renewable annually upon the payment of a fee of \$5.

12-E:5 Mining Plan. No mining of earth, overburden, or mineral of over 1,000 cubic yards per year is allowed within the state without first obtaining the director's approval of a mining plan which shall describe the method of mining, the estimated length of time of the mining operation, the reclamation plan, and any additional information the director requests which is consistent with the purposes of this chapter. Existing mining operations are exempt from the permit prior to January 3, 1977; but this chapter

shall apply fully to any new or expanded operation as part of a pre-existing mine.

#### 12-E:6 Approval of Mining Plan.

I. The Director shall examine all plans and supporting data submitted by the operator and shall, within 15 days after receipt of the mining plan, schedule a public hearing in the town or region of the proposed activity. Within 15 days after the close of the public hearing the director shall notify the applicant of his findings and whether or not his mining plan is approved. Approval of the mining plan shall be granted unless the director finds on the basis of the information provided in the mining plan, at a public hearing, by an on-site inspection, or by an evaluation by the director that:

(a) The plan for reclamation of the mining area submitted by the applicant is insufficient to provide for the rehabilitation of the affected area;

(b) The mining operations will have a significant adverse impact on the environment, including but not limited to the following: pollution of streams or other surface and coastal waters, pollution of air, landslides, the accumulation of stagnant water, flooding and damage to a known aquifer;

(c) The mining will significantly impair the health or property of others or create a significant hazard to life or property generally.

II. The director may propose modifications to the mining plan or approve the mining plan in part only. Should the applicant or any aggrieved person disagree with the findings of the director he may, by written notice, request a hearing before the director. Said hearings shall be held within 15 days of the receipt of the written notice. The director shall notify the operator within 15 days after the hearing of his decision.

12-E:7 Bond. Before a mining permit can be issued the operator shall file with the director a bond payable to the state of New Hampshire with sureties satisfactory to the director or other such security as the director may determine will adequately secure compliance with this chapter and of the rules and regulations promulgated thereunder. In determining the amount of the bond the director shall take into consideration the character and nature of the area adjacent to the mining area, the estimated cost of reclamation, and the future suitable use of the land involved, but in no case will the bond be less than the cost of backfilling, grading, highwall reclamation, topsoiling, and reclamation to be required, or less than the total cost to the state of completing the work described in the reclamation plan. The director shall review the adequacy of the bond every 5 years to assure that the bond will cover any costs which the state might bear should the operator default. All proceeds of forfeited bonds or other security shall be expended by the director for the reclamation of the area for which the bond was posted, and any remainder



requirement for mining operations begun shall be returned to the operator.

12-E:8 Fee. A fee of \$100 shall be paid to the director upon submission of the mining plan.

12-E:9 Permit to Mine. The director shall issue a permit to mine upon the approval of the mining plan and the filing of the bond. The permit to mine shall be issued in duplicate, one copy of which the operator shall post in a conspicuous place at the principal on-site offices of the mining operation. The other copy shall be kept with the operator's records dealing with the mining operation. The mining advisory board may stipulate time limits and conditions for renewal or permits issued.

12-E:10 Amended Mining Plans. The operator may file an amended mining plan with the director at any time, increasing or reducing the acreage affected by the mining operation, and the director shall follow the same procedure for approval as set out above. For any additional acreage affected under an approved mining plan the operator shall post a bond or other security for each additional acre. If the director approves a reduction in the acreage covered by the original permit, that part of the bond filed for said acreage shall be released.

12-E:11 Reports. The director may require reports from the operator in such form and detail to show compliance with the mining plan.

12-E:12 Inspection. The director, his agent, or members of the board may lawfully enter any affected lands and mines in this state for the purpose of inspecting said mining operations to assure compliance with this chapter and with the approved mining plan.

12-E:13 Time Limits. The director may establish time limits requiring reclamation projects be kept current within the time schedule provided in the mining plan.

12-E:14 Bond Released. When reclamation of a portion of the affected area has been completed and approved by the director, the director shall release the bond or other security which was filed for that portion of such operation. The remaining amount of the bond shall not be released until such time as the reclamation is done according to the mining plan and approved by the director.

12-E:15 Time for Commencement and Completion of Reclamation. The operator must commence reclamation as soon as possible after the beginning of the mining operation, in accordance with the mining plan previously approved by the director.

12-E:16 Final Report. Within 60 days after the date of completion of reclamation provided in the mining plan, the operator shall file with the director a final report, containing such information as determined by the director. Upon filing of the report and a determination that this chapter has been complied with, the director shall release the bond or whatever remains of the bond.

If only a portion of the affected area meets the director's approval then only that part of the bond filed for that acreage shall be released.

12-E:17 Acquisition of Land. The director may acquire land by gift or purchase in order to carry out reclamation work. The land shall be acquired in the name of the state. Upon completion of reclamation work the director may sell the land at public auction, or retain the land for state recreational uses. All funds collected by the director shall be part of a reclamation fund for use exclusively to aid in reclamation projects.

12-E:18 Violations.

I. Any failure to comply with the provisions of this chapter, the regulations promulgated pursuant to it, the permit conditions imposed, the mining plan and schedule, or the reclamation plan on file with the director shall be a violation of this act and ground for instituting revocation procedures as outlined in this section.

II. Whenever the director determines that a permit holder is in violation as per paragraph I, he shall issue and serve upon the permit holder a written notice specifying the violation and the manner and extent to which the violation is taking place, and shall direct the violator to comply with all the provisions of this act and the relevant regulations, conditions, plans and schedules within 60 days of such written notice or face revocation of his mining permit and forfeiture of bond.

III. Upon expiration of the above 60-day period, if the permit holder has not corrected the noticed violations, the director shall require the permit holder to answer the allegations of violation at a formal hearing and shall issue a written notice of such hearing to be held within 10 days after the issuance of such notice. The notice shall carefully specify the allegations of violation to be answered. It shall be sent by certified mail to the permit holder, and a copy shall be posted at the entrance to the tract in question.

IV. At the hearing held pursuant to paragraph III, the permit holder may appear in person or by attorney to answer the allegations of violation and to present relevant testimony and evidence. mining plan and approved by the director.

After consideration of such testimony and evidence, or if the alleged violator has not appeared, the director shall make findings of fact and, if he finds that a violation exists as alleged in the notice, he shall immediately order revocation of the mining permit for the tract question. The director shall then notify the permit holder of such action by certified mail and by the posting of a notice of permit revocation near the entrance to the tract in question.

V. Following notice of revocation to the permit holder, the director shall cause to have instituted by the attorney general a civil action in any court of

competent jurisdiction to forfeit the bond of the permittee and for such injunctive or other appropriate relief as is necessary to prevent any further or continued violation of the revocation order.

#### 12-E:19 Emergency Procedure.

Whenever the director shall find that a violation of this chapter exists, and presents an immediate and substantial harm to the health, safety, or general welfare of the public, or to the environment, he may order the person or persons responsible to immediately halt the alleged violation. Service of the director's findings and a copy of the order shall be made by the sheriff or a deputy within the county where the person against whom such order runs maintains the operation affected by such order. The person named in the order shall comply immediately. Said person may apply to the director for a hearing on such order, which shall be held within two working days after receipt of the request therefor, and shall be conducted in the same manner as regular hearing for violations.

#### 12-E:20 Penalties.

I. Any person who shall violate any of the provisions of this chapter or who shall knowingly fail, neglect or refuse to obey any order of the director or authorized agent of the director, issued under the authority of this chapter, or who shall knowingly make any misstatement of material fact for which said person is personally responsible in connection with an application for a permit pursuant to this chapter shall be guilty of a misdemeanor if a natural person; or guilty of a felony if any other person.

II. Notwithstanding any other penalty or fine for which liability is provided under this chapter, any person may be liable to the state, in an action commenced in the name of the state, for a civil forfeiture of not more than \$5,000 for such violation, failure, neglect, refusal or any misstatement for which said person is personally responsible. Such forfeiture may be levied by the superior court in connection with actions for injunctive relief commenced pursuant to RSA 12-E:21. The proceeds of any civil forfeiture levied under this section shall be utilized in the enforcement of this chapter.

III. Each day of operation in violation of this chapter shall be considered a separate offense.

12-E:21 Injunction to Enforce. On application of the director, the superior court or any justice thereof, in term time or in vacation may enjoin any act in violation of this chapter.

12-E:22 Appeal. Appeal from any decision or order of the director made under this chapter shall be pursuant to RSA 541.

12-E:23 Law not Superseded. This chapter shall not supersede any other statutory provisions dealing with effluent discharge or dredging and filling in wetlands or waters of the state.

2 Appropriation. In addition to all other fund received by the department of resources and economic development, there is hereby appropriated the sum of \$25,000 for the fiscal year ending June 30, 1978, and the sum of \$25,000 for the fiscal year ending June 30, 1979, to be expended by the department for the purpose of section 1 of this act. The governor is authorized to draw his warrant out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 544, increasing the real estate transfer tax; dedicating the increased revenue to open space land acquisition; and providing for the acquisition of open space land. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

Since Ways and Means already has one bill dealing with the real estate transfer tax the committee feels the bill should pass with amendment, but be sent to Ways and Means for consideration of the possible effects of the taxation provisions. The Committee vote was 15-0 to pass with amendment, one abstaining, four absent.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing the real estate transfer tax; dedicating the increased revenue to open space land protection; and providing for the protection of open space land.

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Transfer Tax Increase. Amend RSA 78-B:1 (supp) as inserted by 1967, 320:1 as amended by striking out said section and inserting in place thereof the following:

#### 78-B:1 Transfer Tax.

I. A tax is imposed upon the sale, granting, and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is \$.25 per \$100, or fractional part thereof, of the price or consideration for such a sale, grant, or transfer. There shall be no tax when the price or consideration is less than \$100, or when the transaction is exempted under RSA 78-B:2.

II. Funds derived from the imposition of this tax after the deduction of the expenses of administration under RSA 78-B:8 shall be distributed as follows:

(a) Twenty percent shall be paid over to the treasurer and reserved for the use of the water supply and pollution control commission in administering the provisions of RSA 149-E. Funds which may accrue and which are in excess of the

legislative appropriation made for the administration of RSA 149-E shall be transferred to the general fund.

(b) Forty percent shall be paid over to the treasurer and deposited in the open space land protection fund established under RSA 53-D:4.

(c) Forty percent shall be deposited in the general funds of the state.

2 Open Space Land Protection. Amend RSA by inserting after chapter 53-C the following new chapter:

#### CHAPTER 53-D Open Space Land Protection

53-D:1 Definition. In this chapter:

I. "Board" means the open space land protection board established by RSA 53-D:2.

II. "Committee" means the county advisory committees to the open space land protection board established by RSA 53-D:5.

III. "Open space land" means farm land, forest land, wetland, recreation land, flood plains and wild land as defined in RSA 79-A:2 plus urban open space of any size so designated on the zoning map of a municipality or by special act of the planning board for the purpose of protection under provisions of RSA 53-D:3.

IV. "Protection" of open space land means purchase of development rights, acquisition of easements and restrictive covenants, such as scenic or historic easements, or other less than fee simple means of retaining land in open space use, and fee simple acquisition of recreation land by a municipality.

53-D:2 Land Protection Board. There is hereby created an open space land protection board in the department of resources and economic development, composed of the commissioner of the department of resources and economic development, or his designee, the commissioner of agriculture, or his designee, and the director of the office of comprehensive planning, or his designee. The board shall establish criteria for protecting open space land under this chapter, develop rules for administering the open space land protection fund under the administrative procedures act, and award all grants to municipalities from the fund based on the priorities received from the county advisory committees. The board shall elect a chairman and shall meet monthly or at the call of the chairman.

53-D:3 Priorities for Acquisition. Each municipality may apply to the board for funds to finance 1/2 of the costs of protecting open space land by submitting a proposal which outlines the general description of the land and the type of interest to be acquired, and the projected local and regional benefits. Each proposal shall be accompanied by a pledge that 1/2 of the total costs will be paid by the sponsor if such proposal is approved. Gifts of land, rights or funds

from state, federal or other sources may be included in the municipality's share of costs. The board may hold public hearings to take testimony and receive evidence relating to such proposals. Proposals from the cities and towns in each county shall be considered together. The board shall determine the order in which such proposals should be approved and the amount of money allocated to each proposal, so that critically needed lands are acquired as soon as funds become available.

53-D:4 Land Acquisition Fund. There is hereby established in the office of the state treasurer an open space land protection fund which shall be composed of all funds designated by the state for the protection of open space land. Such funds are continually appropriated for said purpose and shall not lapse. The treasurer shall establish a separate account for the revenue received pursuant to RSA 78-B:1, II, (b) from each county. The costs of administering this chapter shall be deducted from the revenue received from each county in proportion to the total amount of revenue received from the real estate transfer tax. The balance of the money in each county account shall be used only to protect open space land and pay for related costs in such county. The board may transfer money from one county account to another county account if such money has not been spent after 5 years from the year in which it was deposited in its original account. Disbursements from the fund for land protection purposes shall be made directly to the city or town by the treasurer upon receipt of a certificate signed by the chairman of the board.

53-D:5 County Advisory Committee. There is hereby created in each county an open space land protection advisory committee composed of one selectman or city councilor from the county elected by the N.H. Municipal Association, one member of the county soil conservation district elected by the district commissioners, one member of the appropriate regional planning commission representing a municipality in the county and elected by the commissioners, one member of a municipal conservation commission in the county elected by the N.H. Association of Conservation Commissions, and one member of the county delegation elected by the delegation who shall serve as chairperson. Committee members shall serve 3 year terms or until their successors are seated, but shall remain eligible for service only while officially holding the positions which made them eligible for election to the committee. No more than 2 members shall be from the same city or town. Members shall refrain from voting or participating in any application from the municipality in which they reside. The committee shall receive and examine all proposals within the county for the protection of open space land to be financed through the open space land protection fund and shall submit to



the board a list of approved applications with priority rating. The committee may hold public hearing to take testimony and receive evidence relating to proposals before it. Meeting shall take place at the call of the chairperson.

53-D:6 Eligible for Current Use Assessment. All land protected under this act, including urban open space, shall automatically qualify for assessment under provisions of RSA 79-A. In cases where such land may not meet present requirements of criteria promulgated annually under RSA 79-A:4, the current use advisory board shall establish pertinent criteria and values for such land.

Amendment adopted.

Referred to the Committee on Ways and Means.

HB 431, increasing the salaries of the operating staff of the university system and making an appropriation therefor. Ought to Pass. Rep. Close for Executive Departments and Administration.

The Committee favors such an increase because of current inflation and because the last increase was \$5.00 per week in 1975. The salaries of all the university operating staff are not being negotiated under the new collective bargaining law at this time. Referred to Appropriations.

HB 479, relative to disability retirement benefits under the New Hampshire retirement system. Ought to Pass with Amendment. Rep. James Herchek for Executive Departments and Administration.

This bill, requested by the Retirement Board, clears up some problems with the present system. It allows persons receiving disability benefits to work at other gainful employment and not be penalized.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Repeal. RSA 100-A:8, III, relative to workmen's compensation payments on account of death being offset against a death related state annuity payment, is hereby repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 526, transferring liquor inspectors from group I of the retirement system or the state employees' retirement system to group II and making an appropriation therefor. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

The Committee felt there was insufficient justification for allowing liquor inspectors into the group II retirement system. There are

many requests from state employee groups; and if all of them were granted, the retirement system would quickly go bankrupt. Resolution adopted.

HB 528, establishing a state equal employment opportunity office. Ought to Pass with Amendment. Rep. Cornelius for Executive Departments and Administration. The bill, as amended, would establish an equal employment opportunity division within the Department of Personnel. The amendment includes a sunset clause to terminate the office in four years unless it can prove a continued need for its existence. Considerable evidence was presented at the hearing to indicate that the state has not been living up to equal opportunity mandates of state and federal law. Committee vote was 14-1.

#### Amendment

Amend RSA 354-B:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

354-B:1 Office Established. There is hereby established an equal opportunity division in the department of personnel. The governor, with the consent of the council, and upon the recommendation of the advisory committee established under RSA 354-B:5, shall appoint a state equal employment opportunity officer who shall serve for a term of 4 years and until his or her successor is appointed and qualified, said officer shall report to the department of personnel.

Amend RSA 354-B:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

354-B:2 Department Officers. The head of each department, agency, board or commission or other instrumentality of the executive branch employing 4 or more persons shall appoint, subject to the approval of the state equal employment opportunity officer, at least one individual as equal employment opportunity officer for the department, agency, board, or commission or other instrumentality, to report to and support the state equal employment opportunity officer in performing his or her duties.

Amend RSA 354-B:3, I, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Indicating, by each position in state service, the number, percentage, and average salary of women, minorities and handicapped individuals employed, average length of service, and comparative information for others in state service.

Amend RSA 354-B:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

354-B:5 Advisory Committee, Membership. There shall be an advisory committee on equal employment opportunity



to the state equal employment opportunity officer consisting of 8 members, 4 to be appointed by the governor with consent of the council, who shall be proficient in the field of personnel administration as a result of training or experience and who are either women, members of minority groups or are handicapped persons, and who shall serve 3 year terms provided that initial appointments shall be made for 1, 2 and 3 years so terms will be staggered. Said members shall serve until their successors are appointed and qualified. Two members shall be state representatives appointed by the speaker, one shall be a state senator appointed by the senate president and one shall be the director of the department of personnel or his or her designee. The legislative members shall serve for the term of their office. Not more than 2 of said members shall be members of the same political party. A chairperson of the advisory committee shall be chosen annually from the membership of the advisory committee by a majority of members of such committee at the first meeting of the committee each year.

Amend RSA 354-B:9 as inserted by section 1 of the bill by striking out same.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Position Deleted. Amend RSA 94:1-a (supp) as amended by striking out the line reading:

"Deputy director of personnel 16,886 18,965"

3 Salary. Amend RSA 94:1-a (supp) as amended by inserting in proper alphabetical order the following:  
Equal Employment Opportunity Officer  
15,389 18,709

4 Appropriation. The sum of \$34,813 is hereby appropriated to the equal opportunity division for the purposes of sections 1 and 3 for the fiscal year ending June 30, 1978 and the sum of \$35,961 is appropriated to the equal opportunity division for fiscal year ending June 30, 1979 for said purposes. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. Said appropriation shall be allocated as follows:

	1978	1979
Equal Employment		
Opportunity Officer	\$15,389	\$16,053
Personal Services	7,143	7,423
Benefits	4,063	3,997
Current Expenses	7,380	7,650
Travel; out-of-state	544	544
Travel; in-state	294	294
	<u>\$34,813</u>	<u>\$35,961</u>

5 Expiration. The state equal opportunity division as established in RSA 354-B:1 shall expire July 1, 1981.

6 Repeal. RSA 98:11 relative to the appointment of a deputy director of personnel is hereby repealed.

7 Repeal. RSA 98:12 relative to the annual salary of the deputy director of personnel is hereby repealed.

8 Effective Date. This act shall take effect July 1, 1977.

Rep. Cornelius spoke to the bill.

Rep. Close spoke to the amendment.

Rep. Dearborn spoke to the bill.

Committee amendment lost.

Rep. Cornelius offered an amendment  
Amendment

Amend RSA 354-B:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

354-B:1 Office Established. There is hereby established an equal opportunity division in the department of personnel. The governor, with the consent of the council, and upon the recommendation of the advisory committee established under RSA 354-B:5, shall appoint a state equal employment opportunity officer who shall serve for a term of 4 years and until his or her successor is appointed and qualified, said officer shall report to the department of personnel.

Amend RSA 354-B:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

354-B:2 Department Officers. The head of each department, agency, board or commission or other instrumentality of the executive branch employing 4 or more persons shall appoint, subject to the approval of the state equal employment opportunity officer, at least one individual as equal employment opportunity officer for the department, agency, board, or commission or other instrumentality, to report to and support the state equal employment opportunity officer in performing his or her duties.

Amend RSA 354-B:3, 1, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

1. Indicating, by each position in state service, the number, percentage, and average salary of women, minorities and handicapped individuals employed, average length of service, and comparative information for others in state service.

Amend RSA 354-B:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

354-B:5 Advisory Committee, Membership. There shall be an advisory committee on equal employment opportunity to the state equal employment opportunity officer consisting of 8 members, 4 to be appointed by the governor with consent of the council, who shall be proficient in the field of personnel administration as a result of training or experience and who are either women, members of minority groups or are handicapped persons, and who shall serve 3 year terms provided that initial appointments shall be made for 1, 2 and 3 years so terms will be staggered. Said members shall serve until their successors are appointed and qualified. Two members shall be state representatives appointed by the speaker, one shall be a

state senator appointed by the senate president and one shall be the director of the department of personnel or his or her designee. The legislative members shall serve for the term of their office. Not more than 2 of said members shall be members of the same political party. A chairperson of the advisory committee shall be chosen annually from the membership of the advisory committee by a majority of members of such committee at the first meeting of the committee each year.

Amend RSA 354-B:9 as inserted by section 1 of the bill by striking out same.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Salary. Amend RSA 94:1-a (supp) as amended by inserting in proper alphabetical order the following:  
Equal Employment Opportunity Officer  
15,389 18,709

3 Appropriation. The sum of \$34,813 is hereby appropriated to the equal opportunity division for the purposes of sections 1 and 3 for the fiscal year ending June 30, 1978 and the sum of \$35,961 is appropriated to the equal opportunity division for fiscal year ending June 30, 1979 for said purposes. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. Said appropriation shall be allocated as follows:

	<u>1978</u>	<u>1979</u>
Equal Employment		
Opportunity Officer	\$15,389	\$16,053
Personal Services	7,143	7,423
Benefits	4,063	3,997
Current Expenses	7,380	7,650
Travel; out-of-state	544	544
Travel; in-state	294	294
	<u>\$34,813</u>	<u>\$35,961</u>

5 Expiration. The state equal opportunity division as established in RSA 354-B:1 shall expire July 1, 1981.

6 Effective Date. This act shall take effect July 1, 1977.

Rep. Cornelius spoke to his amendment  
Reps. Oleson, Rod O'Connor and Spirou spoke in favor of the Cornelius amendment.  
Cornelius amendment adopted.  
Referred to Appropriations.

HB 534, to amend the New Hampshire retirement system to include the chief of fire service training under the definition of "permanent firemen." Inexpedient to Legislate. Rep. James Herchek for Executive Departments and Administration.

The Committee did not find any justification for this bill. Group II benefits are supposed to be for hazardous duty personnel only. It believes that the chief of fire service training is not a hazardous job.  
Resolution adopted.

HB 559, relative to the reorganization of the New Hampshire transportation authority. Ought to Pass. Rep. Close for Executive Departments and Administration.

This bill reorganizes the New Hampshire Transportation Authority, provides for three directors rather than five, and divides the authority into the railroad division and the public transportation division. Removes the authority from the Public Utilities Commission. Committee vote was 18-0.

Rep. Hoar offered an amendment.

#### Amendment

Amend RSA 21-D:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-D:2 New Hampshire Transportation Authority. There is hereby established a public corporation as an agency of the state to be known as the New Hampshire transportation authority. The management of such corporation shall be vested in a board of 3 directors, who shall be appointed by the governor with the advice and consent of the council, one member shall be an active railroad shipper, one member whose active executive employment is in highway passenger transportation and one member shall be from the general public. Not more than 2 of such members shall be of the same political party. Each member shall hold office for a term of 3 years and until his successor is appointed and qualified, except that of the members first appointed to the board, one shall be appointed for a term of one year, one for a term of 2 years and one for a term of 3 years. The chairman of the board shall be elected by the board. Each member of the board shall be compensated in the amount of \$50 per day for each day spent in the performance of duties hereunder, and shall be allowed his necessary travel and expenses in the performance of such duties. Members of the board may be removed from office in the manner prescribed in RSA 4:1. The board shall be furnished appropriate offices in the state house or elsewhere, as the governor and council shall determine.

Amend RSA 21-D:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-D:3 Executive Director. There shall be an executive director of the corporation, who shall be specially qualified by previous training and experience to perform all the duties assigned to him and who shall be appointed by the board of directors subject to the approval of the governor and council. The executive director shall serve under the supervision of, and be directly responsible to, the board of directors, and shall carry out the instructions of the board in the management of the affairs of the corporation. He shall be compensated in the amount prescribed for him in RSA 94; and he shall serve for a term of 5 years, and may be removed from office in the manner prescribed in RSA

4:1. Whenever a division of the authority is created, a director for that particular division, who shall be specially qualified by previous training and experience to perform all the duties assigned to him, shall be hired by the executive director subject to approval of the board of directors. Each division of the authority shall be adequately staffed with such personnel as necessary hired by the executive director subject to approval of the board of directors.

Amend RSA 21-D:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-D:4 General Powers. The New Hampshire transportation authority shall have the general powers usually possessed by New Hampshire corporations. The board of directors shall adopt and may from time to time amend by-laws governing their procedure, and adopt a corporate seal, and shall cause records of their procedure to be kept. The corporation shall have the power to institute and prosecute in its own name or in the name of the state, suits at law or in equity or special proceedings in any courts of this or any other state or in any federal courts. All property of the corporation and all property held in the name of the state and under the jurisdiction of the corporation shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same. Notwithstanding any other provision to the contrary, no property, real or personal, held by the authority or the state pursuant to the provisions of this chapter, shall be subject to any state, county or local tax.

Amend the bill by striking out after RSA 21-D:4 the subdivision title "Railroad Division" and inserting in place thereof the following:

#### CHAPTER 21-E Railroad Division

Amend RSA 21-D:5 and RSA 21-D:6 as inserted by section 1 of the bill by renumbering said sections to read as 21-E:1 and 21-E:2 respectively.

Amend RSA 21-D:7 as inserted by section 1 of the bill by renumbering the same as 21-E:3 and by striking out the introductory paragraph of same and inserting in place thereof the following:

As used in this chapter the following terms shall have the following meanings:

Amend RSA 21-D:8 and RSA 21-D:9 as inserted by section 1 of the bill by renumbering said sections to read as

21-E:4 and 21-E:5 respectively

Amend RSA 21-D:10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-E:6 Tax Exemption.

Notwithstanding any other provision of the contrary, no rail property, as defined in 21-E:3, I, held by the authority or the state pursuant to the provisions of this chapter, shall be subject to any state, county or local tax.

Amend RSA 21-D:11 through RSA 21-D:13 as inserted by section 1 of the bill by renumbering said sections to read as

21-E:7 21-E:8 and 21-E:9 respectively

Amend RSA 21-D:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-E:10 Title to Property of Railroads. The authority is hereby authorized to take whatever steps are necessary in order to determine the absolute fee simple title ownership of all such rail properties of any railroad within the state of New Hampshire. Such determination is to include the status of such rail properties with respect to easements, rights-of-way, leases, reversionary rights, fee simple title ownership, and any and all related title matters. The authority may retain such attorneys, experts or other assistants as may be necessary to make these title determinations.

Amend RSA 21-D:15 and RSA 21-D:16 as inserted by section 1 of the bill by renumbering said sections to read as

21-E:11 and 21-E:12 respectively.

Amend RSA 21-D:17 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-E:13 Planning Authority. The authority shall have the power and authority to develop and promulgate plans for the development and continuation of railroad systems within the state of New Hampshire. The authority shall have the duty and responsibility for establishing a state plan as referred to in the Regional Rail Reorganizational Act of 1973, including sections 401, 402 and 403 thereof, or any other pertinent federal legislation.

Amend RSA 21-D:18 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-E:14 Federal Funds;

Appropriations. The authority is also authorized to apply for, with the approval of governor and council, loans, grants and such funds available under the provisions of the Regional Rail Reorganization Act of 1973 or other pertinent federal legislation. The authority may utilize federal funds, such other grants, gifts or donations as may become available and such sums as are appropriated for the purpose of acquiring rail properties and for all other purposes set forth in this chapter.

Amend RSA 21-D:19 as inserted by section 1 of the bill by striking out same and renumbering the original sections 20 and 21 to read as

21-E:15 and 21-E:16 respectively

Amend RSA 21-D:22 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-E:17 Rebuilding, Modernization and Maintenance of Rail Properties. The authority is authorized to contract for the rebuilding of any rail properties



acquired under the provisions of this chapter within the provisions of the Regional Rail Reorganization Act of 1973, or other pertinent federal regulation. The authority is further authorized to spend any sums appropriated for such purpose as well as any other available funds for the modernization and rebuilding of any rail properties owned by the state. The authority is also authorized to do such maintenance on any rail properties owned by the state as appears necessary in the public interest.

Amend RSA 21-D:23 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-E:18 Disposition of Acquired Rail Properties. Whenever the authority determines that any rail properties acquired by the state are no longer needed for railroad purposes, it may transfer or sell such rail properties to any other state department or agency, or political subdivision of the state, which will utilize such properties for public purpose and, if no state department or agency, or political subdivision, wants such properties, the authority may sell them, with the proceeds being deposited to the special railroad fund established by RSA 21-E:19. Such transfer or sale shall require the approval of the governor and council.

Amend RSA 21-D:24 as inserted by section 1 of the bill by renumbering said section as follows:

21-E:19

Amend RSA 21-D:25 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-E:20 Appropriation and Order of Use of Special Railroad Fund. Any moneys deposited in the special fund established by RSA 21-E:19 are hereby appropriated to be expended by the authority with the approval of governor and council, only for the following detailed purposes and in the following listed order of priority:

I. to amortize and pay interest on any outstanding bonds or loans.

II. to reimburse the general fund for any amortization or interest payments made on outstanding bonds or loans.

III. To purchase or pay for the operation and the maintenance of railroad properties to be acquired or which have been acquired pursuant to the provisions of this chapter.

Amend RSA 21-D:26 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-E:21 Authorized to Employ Consultants. The authority may, in support of its actions as herein authorized, engage the services of consultants for the purpose of preparing estimates for plant rehabilitation costs. Further, it may engage, as it considers necessary, the services of qualified independent consultants to perform economic feasibility studies, appraisals,

title searches and legal counsel, or as otherwise necessary in carrying out the responsibilities of this chapter.

Amend RSA 21-D:27 as inserted by section 1 of the bill by striking out same.

Amend the bill by striking out after RSA 21-D:27 the subdivision title "Public Transportation Division" and inserting in place thereof the following:

#### CHAPTER 21-F

##### Public Transportation Division

Amend RSA 21-D:28 and RSA 21-D:29 as inserted by section 1 of the bill by renumbering said sections to read as 21-F:1 and 21-F:2 respectively.

Amend RSA 21-D:30 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-F:3 Definitions. As used in this chapter:

I. "Authority" shall mean the corporation known as the New Hampshire transportation authority established in RSA 21-D:2.

II. "Local public bodies" shall mean municipalities and political subdivisions of the state.

III. "Public mass transportation" shall mean common carrier transportation on land by passenger bus or rail, either publicly or privately owned, but not including school buses, charter or sightseeing services, and trucking services.

IV. "Division" shall mean the New Hampshire transportation authority, public transportation division.

Amend RSA 21-D:31 through RSA 21-D:33 as inserted by section 1 of the bill by renumbering said sections to read as 21-F:4 21-F:5 and 21-F:6 respectively.

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Advisory Board. For a period of 2 years from the effective date of this act, there shall be in effect an informational advisory committee which shall lend advice and guidance to the transportation authority on matters which are in the purview of the railroad division. This committee shall serve without pay and shall be comprised as follows: one member shall be a public utilities commissioner selected by the commissioners, one member shall be a member of the New Hampshire transportation authority board, as established by RSA 21-D:2, selected by that board, and one member shall be a member-at-large selected by the governor.

6 Repeal. RSA 372-A relative to acquisition of rail properties by the public utilities commission is hereby repealed.

7 Repeal. RSA 21-C relative to the New Hampshire transportation authority is hereby repealed and the existence and authority of the board of directors as established therein is terminated.

8 Effective Date. This act shall take effect July 1, 1977.



Hoar amendment adopted.  
Referred to Appropriations.

HB 570, relative to the police standards and training council and making an appropriation therefor. Ought to Pass with Amendment. Rep. Sara Townsend for Executive Departments and Administration.

The bill changes wording to include a new category, "law enforcement officers," persons such as constables, conservation officials not classified as police officers, but who do have power of arrest. The monies provide reimbursement by the council to political subdivisions for the "expenses incurred" in providing police training programs.

#### Amendment

Amend RSA 105-A:2, III as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

III. "Law enforcement officer" means police or security officers of any educational institution supported in whole or part by the state of New Hampshire, constables, officials or employees of any prison, jail, correctional institution or facility, or facility for the criminally insane, as well as conservation officers granted criminal jurisdiction pursuant to RSA 206:26-B.

Rep. Felch moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Norton and George Wiggins spoke in favor of the motion.

Reps. Sara Townsend and Vrakatisits spoke against the motion.

Rep. Close moved that HB 570 be recommitted to the Committee on Executive Departments and Administration and spoke to his motion.

Rep. Felch spoke against the motion.

Reps. Marshall French and Coutermarsh spoke in favor of the motion.

Recommittal lost.

Question being the Felch motion to substitute.

Motion adopted.

Resolution adopted.

HB 585, to increase the salaries of state classified employees and making an appropriation therefor. Without recommendation. Rep. Close for Executive Departments and Administration.

The Committee favors such an increase. In view of current collective bargaining negotiations on this subject, however, the bill should be tabled to await agreement between the state and its classified employees.

Rep. Close explained the committee report.

Rep. Chandler moved that HB 585 be laid upon the table.

Adopted.

HB 588, establishing a human virus diagnostic laboratory in the division of

public health and making an appropriation therefor. Ought to Pass. Rep. Sara Townsend for Executive Departments and Administration.

The Committee voted unanimously to recommend that the modest appropriation in HB 588 be included with other meritorious bills. The Division of Public Health Services certainly needs the equipment provided under the appropriation in order to expedite certain viral diagnoses such as rubella, and equine encephalitis, etc. here in New Hampshire. It now has new space, but not the equipment. Referred to Appropriations.

HB 601, providing cost of living increases for all members of the New Hampshire retirement system. Ought to Pass. Rep. James Herchek for Executive Departments and Administration.

This bill comes up every biennium because of Article 36 of the First Part of our State Constitution. Committee wholeheartedly favors these cost of living increases. Referred to Appropriations.

HB 606, providing overtime pay for certain classified state employees, and making an appropriation therefor. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

Overtime pay has been the subject of collective bargaining negotiations between the state and classified state employees, and tentative agreement has been reached. Passage of this bill would needlessly complicate this negotiating process. Resolution adopted.

HB 611, equalizing service retirement benefits, disability retirement benefits and vested deferred retirement benefits for all members of group I of the New Hampshire retirement system, setting minimum eligibility for half-pay service retirement benefits for group I members at age 55 and the completion of 25 years of creditable service and making appropriations therefor. Refer to the Committee on Executive Departments and Administration for interim study to report by September 1, 1978. Rep. James Herchek for Executive Departments and Administration.

The Committee is in the process of studying the entire retirement system. The Committee believes that a bill of this scope needs a lot of study and would be a good starting point for such a study.

Referred to the Committee on Executive Departments and Administration for interim study.

HB 401, temporarily prohibiting the hunting and taking of antlerless deer except by special permit and establishing a split deer hunting season. Inexpedient to Legislate. Rep. Stimmell for Fish and Game.

The Committee felt the combination of deer line and bucks only was unenforceable. The House in years past killed the deer line and the deer herd does not require a bucks only law. Vote was 13-1.

Rep. George Wiggins spoke to the bill. Resolution adopted.

HB 294, providing for state grants to persons subject to catastrophic illness and making an appropriation therefor. Refer to the Committee on Health and Welfare for interim study. Rep. Helen Wilson for Health and Welfare.

The Committee felt that there was already large amounts of money being spent on catastrophic illness through various commissions and felt that this bill should be sent to interim study for further consideration.

Referred to the Committee on Health and Welfare for interim study.

HB 513, creating an office of youth services and an advisory commission on youth and making an appropriation therefor. Ought to Pass with Amendment. Rep. Blanchette for Health and Welfare. The bill establishes an office of Youth Services in the office of the Commissioner of Health and Welfare. The vote was 14-2.

#### Amendment

Amend RSA 170-F:4, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. Operate, maintain and have administrative control over the youth development center.

Amend RSA 170-F:4, VI and VII as inserted by section 1 of the bill by striking out same.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Salary. Amend RSA 94:1-a by inserting in proper alphabetical order the following:

Director of youth services 21,597 23,679

3 Transfer of Funds. All monies appropriated to the youth development center and all monies available to it from any source are hereby transferred to the office of youth services.

4 Transfer of Personnel, Property, etc. All personnel, property and records of the youth development center are hereby transferred to the office of youth services. The transfer herein provided for shall not eliminate any existing position within the classified service unless such position shall be vacant or, if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure. No permanent classified state employee shall be required to take an examination to remain in his position.

5 No Trustees for Youth Development Center. Amend RSA 10:2 by striking out said section and inserting in place thereof the following:

10:2 Appointment. There shall be a board of 7 trustees for the state prison. Six members of the board shall be appointed by the governor and council for terms of 6 years. Said appointive members shall serve without pay but shall be allowed their reasonable expenses. Vacancies in said board shall be filled by the governor and council for the unexpired terms. Any appointed member of said board may be removed by the governor and council at any time for cause. Such member of the council as the governor may designate shall be an ex officio member of said board of trustees. The chairman of the board shall be one of the 6 appointed members and shall be designated by the governor and council. Services rendered by any member of the council in carrying out any of the provisions of this chapter shall be considered as the performance of his duties as councilor.

6 Meetings of Board. Amend RSA 10:3 by striking out said section and inserting in place thereof the following:

10:3 Meetings. Regular meetings of the board of trustees of the state prison shall be held at least once a month at the institution and special meetings at such other times and places as may be deemed necessary for the proper performance of their duties. The board shall have authority, subject to state personnel regulations, and within available appropriations and funds, to employ such clerical and other assistants as may be necessary for the proper performance of its duties.

7 Real Estate. Amend RSA 10:4 by striking out said section and inserting in place thereof the following:

10:4 Acquisition and Disposal of Real Estate for Institutions. Upon request of the board of trustees provided for in RSA 10:2, or of the director of the division of mental health or the director of the division of public health services or the director of the office of youth services, the governor and council may buy, sell, or exchange institutional lands for any of the institutions named in RSA 10:1 over which the requester has jurisdiction, and at the request of any of the above or that of the trustees of the New Hampshire college of agriculture and the mechanic arts, may institute proceedings for the taking of land for institutional purposes by eminent domain; and the procedure for that purpose shall be the same and the value of the land shall be determined as in cases of land taken for highways upon petition to the superior court. On the payment of the value as finally determined, the title to the land so taken shall vest in the state.

8 Director as Manager in Trust. Amend RSA 621:1, II as amended by striking out said section and inserting in place thereof the following:

II. The director of the office of youth services shall take, hold and manage, in trust for the state, lands, money, or other property granted, devised, or bequeathed for the use of the center,

and of selling and conveying the same and of investing the proceeds thereof either in such investments as are legal for savings banks in the state of New Hampshire or in physical plant of the institution; and shall administer the boys and girls benefit fund hereinafter established including the setting up of a distributive system and acting as agent, through the superintendent, for the boys and girls.

9 Repeal. RSA 621:2 relative to the supervisory authority over the trustee of the youth development center is hereby repealed.

10 Name Changed. Amend the following provisions of RSA by striking therefrom the words "trustees" and "trustees of the youth development center" and all other similar references to the trustees of the youth development center and substituting in place thereof (director of the office of youth services) and making any necessary corrections to personal pronouns referring thereto and to verb tenses so that the same as amended shall refer to the director of the office of youth services: RSA 621:4, 621:5, 621:6, 621:7, 621:8, 621:9, 621:13, 621:14, 621:15, 621:17, 621:18, 621:19-a, 621:20, 621:21, 621:22, 621:24, 621:25, 621:26 and 621:28.

11 Appropriation. The sum of \$70,000 is hereby appropriated to the office of youth services for the purposes of section 1 of this act for the fiscal year ending June 30, 1978 and a like sum to said office for said purpose for the fiscal year ending June 30, 1979. The governor is authorized to draw his warrant for said sums out of any monies in the treasury not otherwise appropriated.

12 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Referred to Appropriations.

HB 514, establishing a number of positions in the division of welfare to investigate child abuse and neglect cases, and making an appropriation therefor. Ought to Pass. Rep. Copenhagen for Health and Welfare.

The average caseload of the Protective Service officer is seventy families while the guidelines for New Hampshire Division of Welfare state that the maximum load should not exceed twenty families per worker. The number of referrals of abused children doubled from 501 (1975) to 1,000 (1976) and further increases are predicted for 1977.

Presently, RSA 169 states that all referrals must be acted on immediately and all cases of battered children must be reported to the Division of Welfare. It is the purpose of this bill to create twenty-three new social workers and three supervisory positions in the Bureau of Child and Family Services to carry out the intent of the previous legislation. These new positions will be to

investigate reported incidents of child abuse and neglect. The bill calls for an appropriation of \$338,306 (FY 1978) and \$342,059 (FY 1979), a percentage of which will be federally funded.

Referred to Appropriations.

HB 523, authorizing payment to Merrimack county for services rendered and making an appropriation therefor. Ought to Pass. Rep. Ralph for Health and Welfare.

The Division of Welfare requested Merrimack County to administer the Eagle Convalescent Center for the state at no expense to the county. The county agreed to this in good faith. Because of an accelerated closeout of the home the county incurred a debt of \$254,045.00. The Committee voted ought to pass on this bill because they felt the county should be reimbursed.

Referred to Appropriations.

HB 524, establishing a special committee to study county health care delivery systems and making an appropriation therefor. Inexpedient to Legislate. Rep. Frederick Alter for Health and Welfare.

The Committee felt that there was already adequate health care planning being done at this time on the local level and that the appropriation of \$25,000.00 could be better used in a different area. It was also felt that this would be duplication. Committee vote was 10-1.

Rep. Head moved that the words, Ought to Pass with Amendment be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Spaulding and Blanchette spoke against the motion.

Motion lost.

Resolution adopted.

HB 531, to extend aid to families with dependent children to families with unemployed parents and making an appropriation therefor. Inexpedient to Legislate. Rep. Eugene Daniell for Health and Welfare.

This bill extends the Aid to Families with Dependent Children Program to include families with an unemployed parent who is the main wage earner. The Committee recognizes that this was a worthwhile program calling for \$4,900,000.00 over the next two years but the Committee felt that the "Medically Needed" program should be reinstated first.

Rep. McLane spoke to the committee report.

Resolution Adopted.

HB 560, providing for community alcoholism services and making an appropriation therefor. Ought to Pass with Amendment. Rep. Fred Murray for Health and Welfare.



This bill creates a community alcohol services program to be directed by the Executive Director of the Program on Alcohol and Drug Abuse, Division of Public Health Services, Department of Health and Welfare.

#### Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated the sum of \$500,000 for the fiscal year ending June 30, 1978, and \$500,000 for the fiscal year ending June 30, 1979 to be expended by the program on alcohol and drug abuse, division of public health services, department of health and welfare, for the purposes of section one of this act as follows:

	<u>FY 1978</u>	<u>FY 1979</u>
FEE-FOR-SERVICE		
(Detox, Emergency Medical Care & Transportation)	\$100,000	\$100,000
TWO HALFWAY HOUSES	\$130,000	\$120,000
COMMUNITY ALCOHOLISM SERVICE PROJECTS (Sub-Contract)	\$155,000	\$165,000
TRAINING & TECHNICAL ASSISTANCE	\$ 15,000	\$ 15,000
COMMUNITY DIRECT SERVICES-PADA		
Personnel:		
Keene-		
1 Sr. PSW, LG23 Min.	\$12,598	\$12,815
1 Substance Abuse Counselor/SW Trainee LG13 Min.		
Dover-		
1 Substance Abuse Counselor/SW Trainee LG13 Min.	8,418	8,536
Berlin-		
1 PSW, LG20 Min.	10,681	11,247
Laconia-		
1 Clerk-Steno LG6 Min.	6,621	6,613
Littleton-		
1 Clerk-Steno LG 6 Min.	6,621	6,613
Statewide-		
1 Community Standards Field Consultant LG18 Min.	10,261	10,415
Sub-Total, Personnel	<u>\$63,618</u>	<u>\$64,775</u>
Fringe Benefits @15%	\$ 9,543	\$ 9,716
Training Consultant-SR PSW @ \$10/hr.	\$ 4,320	\$ 6,000
Equipment	\$ 5,548	-0-
Current Expense	\$ 2,031	\$ 2,409
In-State Travel-7,000 miles	\$ 5,040	\$ 7,200
x 6 @12¢ mile		
Other:		
Rent-\$900 x 4 (Keene, Dover, Littleton, Berlin)	\$ 3,600	\$ 3,600
Telephones-\$900 x 7	\$ 6,300	\$ 6,300
SUB-TOTAL COMMUNITY DIRECT SERVICE-PADA	\$100,000	\$100,000
TOTAL	<u>\$500,000</u>	<u>\$500,000</u>

These sums shall be in addition to any other funds appropriated for said program. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. Knight yielded to questions.

Amendment adopted.

Rep. Madeline Townsend spoke in favor of the committee report.

Referred to Appropriations.

HB 571, establishing area councils for the handicapped and making an appropriation therefor. Refer to the Committee on Health and Welfare for interim study. Rep. Blanchette for Health and Welfare.

The Committee felt that this bill required more in depth study and therefore referred it to interim study. There was confusion concerning the funding for this proposal because eleven area councils presently offer related services. This legislation is not mandated by federal law, but deserves further study for coordination of programs to assist the handicapped. Adopted.

HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor. Ought to Pass with Amendment. Rep. Martin for Judiciary.

This bill establishes a criminal victimization fund to aid victims of violent criminal acts, by providing compensation for victims of certain crimes or dependents of deceased victims, and for indemnification of private citizens for personal injury or property damage suffered in the prevention of crime or in the apprehension of a criminal.

#### Amendment

Amend RSA 662-B:2, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. "Child" means an unmarried person who is under 18 years of age and includes a stepchild or an adopted child.

Amend RSA 622-B:3 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

622-B:3 Criminal Victimization Council.

I. There shall be established a criminal victimization council in New Hampshire consisting of 5 persons. Each person to serve for 5 years or until a successor is appointed or unless removed for cause by the governor and council except that the first 5 appointments shall be for one, 2, 3, 4 and 5 years respectively. One member shall be a district court judge appointed by the New Hampshire supreme court who shall act as chairman of the council. One shall be the attorney general of New Hampshire or his



designee. One person shall be from a recognized welfare agency in New Hampshire, one from the New Hampshire Bar Association and one from the public at large to be appointed by the governor and council.

II. The members of the council shall serve without pay except that they may be reimbursed for reasonable expenses of meals and travel. The council may hire or provide for such stenographic or clerical and investigative staff as necessary, in order to keep accurate minutes of meetings, accounts and records of the council, said charges to be paid from the criminal victimization fund.

Amend RSA 622-B:3, II as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. Any member of the council may administer oaths or affirmations to witnesses appearing before the council. The council shall have such powers of subpoena and compulsion of attendance of witnesses and production of documents and of examination of witnesses as are conferred upon the superior court. Subpoenas shall be issued under the signature of the chairman. The superior court of any county in which a subpoena is issued or served or in which the attendance or production is required may, upon the application of the council, enforce the attendance and testimony of any witness and the production of any document so subpoenaed. Subpoena and witness fees and mileage shall be the same as in criminal cases in the superior courts, and shall be payable from the criminal victimization fund.

Amend RSA 622-B:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

622-B:5 Medical Examination. The council may appoint an impartial licensed physician to examine any person making application under this chapter, and the fees for the examination shall be paid from the criminal victimization fund.

Amend RSA 622-B:7 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

622-B:7 Judicial Review. any person aggrieved by a final order or decision of the council on the sole ground that the order or decision was in excess of the commission's authority or jurisdiction, shall have a right of appeal to the supreme court pursuant to RSA 541 provided the appeal is filed within 30 days after service of a certified copy of the order or decision. Except as otherwise provided in this section, orders and decisions of the council shall be conclusive and not subject to judicial review.

Amend RSA 622-B:8, IV (c) as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(c) Upon application from the prosecuting attorney of the appropriate county, the council may suspend proceedings under this chapter for such period as it deems desirable on the ground that a prosecution for a crime arising out of the act or omission has been commenced or is imminent. No statement made by a criminal defendant may be used against him at trial or any evidence obtained thereby.

Amend the introductory paragraph to RSA 622-B:9, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

In the event a private citizen incurs injury or property damage in preventing the commission of a crime within the state, in apprehending a person who has committed a crime within the state, or in materially assisting a peace officer who is engaged in the prevention or attempted prevention of such a crime or the apprehension or attempted apprehension of such a person, the council may, in its discretion, upon an application, order the payment of compensation in accordance with this chapter:

Amend RSA 622-B:9, II as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. The criminal injuries compensation commission may order the payment of compensation under this part for:

(a) Expenses actually and reasonably incurred as a result of the injury of the private citizen;

(b) Loss to the private citizen of earning power as a result of total or partial incapacity; and

(c) Pecuniary loss to the private citizen directly resulting from damage to his property.

(d) No payment more than \$5,000 shall be made.

Amend RSA 622-B:10 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

622-B:10 Recovery From Offender. Whenever any person is convicted of an offense that includes any crime an order or the payment of compensation is or has been made under this section for injury or death resulting from the act or omission constitution such offense, the council may institute a derivative action against the person and against any person liable at law on his behalf, in name of the victim or such of his dependents as have been awarded compensation under this section in the district, municipal or superior court in which any such person resides or is found, for such damages as may be recoverable at common law by the victim or such dependents without reference to the payment of compensation under this section. The appropriate court shall have jurisdiction to hear, determine and render judgment in any such action. The time from the occurrence of the act or omission until conviction of the offense and, thereafter, as long as the offender is in

confinement for conviction of the offense, shall not constitute any part of the time limited for the commencement of the action by the council under the applicable statute of limitations. Any recovery in the action shall belong to the state, provided that the council shall amend its order of compensation to provide for the payment of any portion of the recovery in excess of the amount of compensation prescribed in the order to any of the persons entitled to receive compensation under this chapter in such proportions and upon such terms as the council shall deem appropriate.

Amend RSA 622-B:13 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

622-B:13 Legal Adviser. The attorney general or his designee shall serve as legal adviser to the council.

Amend RSA 622-B:18, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. A criminal victimization fund is hereby established which shall have paid over to it for the purposes of this chapter, 5 percent of the fines paid over to the state treasurer pursuant to RSA 502-A:8 and RSA 6:12. The state treasurer shall credit that amount to the fund prior to disbursement in accordance with RSA 6:12, said credit to be made quarterly.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriation. The sum of \$50,000 is hereby appropriated for the biennium ending June 30, 1979, to be deposited in the special fund known as the Criminal Victimization Fund to be expended for the purposes of paying claims and the administration costs as may be required pursuant to section 1 of this act. Said appropriation shall not lapse. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated. The money appropriated pursuant to this section shall be reimbursed to the general fund on or before June 30, 1979.

Amendment adopted.

Referred to Appropriations.

HB 563, establishing a sexual assault reporting and prosecution unit within the division of state police and making an appropriation therefor, and mandating special investigators in certain cities and towns. Refer to the Committee on Judiciary for Interim Study. Rep. Martin for Judiciary.

The testimony on HB 563 indicated a need for heightened sensitivity in interrogating rape victims, however, it was not clear that adding specialists to the State Police force was the best way of addressing the problem. The Committee would like to study this bill in the interim. Adopted.

HB 228, increasing the highway aid to towns and cities. Majority: Inexpedient to Legislate; Rep. McLaughlin for Public Works. Minority: (Rep. James J. White): Ought to Pass with Amendment.

Majority: The majority of the Committee recognizes the need for improvement of secondary highways throughout the state, however, the only method of funding would impose a one cent per gallon gasoline tax from the motoring public. The Committee felt that such a tax at this time would be too great a burden on the public.

Minority: With passage of this amendment, cities and towns would be able to repair secondary roads this biennium.

Rep. James J. White moved that the Minority report, Ought to Pass with Amendment, be substituted for the Majority report, Inexpedient to Legislate, and spoke to his motion.

Rep. Bibbo spoke in favor of the motion.

Reps. Coburn and McLaughlin spoke against the motion.

HB 609, establishing public guardian offices. Ought to Pass. Rep. Martin for Judiciary.

This bill will establish public guardian offices in the counties where the New Hampshire State Hospital and the Laconia State School are located. Based on strong testimony from the superintendents of these institutions the Committee felt that HB 609 should be referred to the Appropriations Committee.

Referred to Appropriations.

HB 548, paying the town of Plymouth for fire protection rendered Plymouth state college and making an appropriation therefor. Ought to Pass. Rep. Neil McIver for Municipal and County Government.

The residents of Plymouth presently have no recourse for the mounting costs incurred by the town in services to the college, and the Committee on a 16-5 vote supported this relief bill for Plymouth citizens to reimburse for fire services.

Referred to Appropriations.

HB 549, paying the town of Plymouth for incinerator services rendered to Plymouth state college and making an appropriation therefor. Ought to Pass. Rep. Neil McIver for Municipal and County Government.

The residents of Plymouth presently have no recourse for the mounting costs incurred by the town in services to the college, and the Committee on a 16-5 vote supported this relief bill for Plymouth citizens to reimburse for incinerator services.

Referred to Appropriations.

Rep. Spirou moved that HB 228 be indefinitely postponed and spoke to his motion.

Reps. Chandler, Barrus, Fortier, Eugene Daniell, Marshala, Ingram, Richard Hanson and Marshall French spoke against the motion.

Rep. Coutermarsh spoke in favor of the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Question being on the motion to indefinitely postpone HB 228. A roll call was requested. Sufficiently seconded.

(Speaker presiding)

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YEAS 97

BELKNAP: Mansfield, Sabbow and Sanders.

CARROLL: Kenneth MacDonald and Towle.

CHESHIRE: Faucher, Proctor, Terry and Terry Wiggin.

COOS: Keough, George Lemire and Neila Woodward.

GRAFTON: Ira Allen, Chambers, Copenhagen, Cornelius, Crory, Logan, Pepitone, Snell, Taffe and Taylor.

HILLSBOROUGH: Ainley, Aubut, Barrett, Belanger, Albert Bellemore, Emile Boisvert, Burke, Coburn, Mark Connolly, Joseph Cote, Courtermarsh, Cullity, William Desmarais, Drewniak, Gabrielle Gagnon, Gelinas, Girolimon, Sal Grasso, George Healy, Kaklamanos, Karnis, Lachance, Levesque, Madigan, Martineau, McDonough, McGlynn, McLaughlin, Normand, Timothy O'Connor, Orcutt, Paradis, Pelletier, Plomaritis, Record, Edward Smith, Stylianos, Francis Sullivan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bodi, LaBonte, Plourde, Rice and Robert Watson.

ROCKINGHAM: William Boucher, Collins, Connors, Cutliffe, Kane, Krasker, Joseph McEachern, Parolise, Rossley, Schwaner, Splaine, Stratton, Tavitian, Webster, Wolfesen and Zabarsky.

STRAFFORD: Hebert, Horrigan, Kincaid, Morrisette and Rod O'Connor.

SULLIVAN: Brodeur, D'Amante, Desnoyer and LeBrun.

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BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Lawton, Morin, James Murray, Nighswander and Kenneth Randall.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard and Keller.

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Ladd, Lynch, Marshala, Moore, Parker, Margaret Ramsay, Russell, Scranton, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Mann, McAvoy, Neil McIver, Rounds, Stouberg, Glynetta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Baker, Bednar, Bernier, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Brody, Carswell, Corser, Margaret Cote, Coughlin, Currier, Catherine-Ann Day, Dupont, Clyde Eaton, Nancy Gagnon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Keefe, Knight, LaPlante, Lyons, Marcoux, Martin, Morrison, Fred Murray, Nardi, Nenzoff-Berman, Kerry O'Connor, O'Neil, Pappas, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Leonard Smith, Soucy, St. George, Stahl, Harold Thomson, Van Loan, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Pratt, Ralph, Rich, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Barka, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Cummings, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Hartford, Hoar, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Norton, Parr, Richards, Rogers, Sanborn, Scamman, Skinner, Alfreda Smith, Stimmell, Vlack, Helen Wilson and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Jonas, Joos, Kelly, Lefavour, Lessard, Maloomian, Meader, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Gray, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.



Rep. Kenneth Smith wished to be recorded against the motion to indefinitely postpone.

Question being on the motion to substitute, Ought to Pass with Amendment. Motion passed.

Rep. James J. White offered the minority amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

imposing an additional one cent tax on gasoline, and dedicating the revenue to highway aid to towns and cities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Sections. Amend RSA 265 by inserting after section 4 the following new sections:

265:4-a Additional Toll on Gasoline. In addition to the motor vehicle road tolls imposed by RSA 265:4, an additional road toll of one cent per gallon of gasoline only is hereby imposed. Notwithstanding the provisions of RSA 265:6, this additional toll on gasoline shall be used only for the purposes of RSA 265:4-b.

265:4-b Highway Subsidy Fund. The proceeds from the additional toll on gasoline imposed by RSA 265:4-a shall be expended solely for highway subsidy to towns and cities in addition to the amounts mandated by RSA 241:14, and shall be distributed in accordance with the provisions of RSA 241:14. No portion of such funds shall lapse nor be used for any other purposes, nor be transferred to any other appropriation. Such moneys shall be kept in a separate fund which shall be paid out in the months of July, October, January and April.

2 Increased Highway Subsidy. Amend RSA 241:14 (supp) as inserted by 1971, 504:5 by striking out said section and inserting in place thereof the following:

241:14 Highway Subsidy to Town and Cities. In addition to any funds hereinbefore apportioned for construction, reconstruction and maintenance allotment purposes, the commissioner shall apportion on the basis of a sum of not less than \$4,487,500, to each city, town and unincorporated place, in addition to all sums in the highway subsidy fund established under RSA 265:4-b, on 1/2 mileage and 1/2 population formula, an amount based on the proportion which the mileage of the regularly maintained class IV and class V highways in that city, town or unincorporated place as of January 1 of the previous year, bears to the total mileage of regularly maintained class IV and class V highways in the state as of that date, and the latest proportion which the official population census of that city, town or unincorporated place bears to the latest official population census of the state as of that same date. On or

before January 1 of each year, the commissioner shall notify all cities, towns and unincorporated places of amounts of highway subsidy being allotted in each fiscal year, in addition to whatever amounts become available from the highway subsidy fund established under RSA 265:4-b. Payments shall be made in quarterly increments in the months of July, October, January and April. If at the end of any fiscal year, the total amounts allocated to municipalities under the budget of the department of public works and highways, excluding amounts in the highway subsidy fund, do not amount to 19 percent of the road toll revenue for the preceding fiscal year, the amount of such deficiency shall be added to the amount specified in this section and shall be apportioned according to the formula set forth above and paid with the October payments. Those officers charged in RSA 71-A:17 with the keeping of uniform accounts shall also be responsible for the keeping of such accounts as related to those funds granted to municipalities under this section in a manner prescribed by the commissioner of the department of public works and highways. Such accounting officers shall, on or before March 1 of each year, return to the commissioner on prescribed forms showing the summary of receipts and expenditures during the last fiscal year. Such accounting officers shall also furnish at other times such information as the commissioner may require to assure that funds paid to towns, cities and unincorporated places pursuant to this section are not used directly or indirectly for any purpose prohibited by constitutional or legislative limitation. These funds shall be used only for the purpose of maintenance, construction and/or reconstruction of class IV and class V highways. Under no condition shall dollars received under this section be used for the purpose of matching to obtain additional state funds for other forms of highway aid. Whenever any city, town or unincorporated place is unable to utilize the full amount of their apportionment in the manner herein provided for any given year, as made under this section, the unused balance shall not lapse but shall be added to the total available for distribution to all towns and cities, the following fiscal year.

3 Transition. Whatever sums shall be in the highway subsidy fund established under section 1 of this act shall be distributed at the time of the first quarterly payment due under RSA 241:14 after the effective date of this act.

4 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Referred to Appropriations.

Rep. Quimby wished to be recorded in favor of HB 228 as amended.



HB 488, making an appropriation for an emergency operations center for the state civil defense agency. Inexpedient to Legislate. Rep. James J. White for Public Works.

The Committee by a vote of 13-6, recommended that this bill be inexpedient to legislate inasmuch as the National Guard is also in a position to render assistance in an emergency situation and that this was not the time to recommend an appropriation for an emergency operations center for the State Civil Defense Agency.  
Resolution adopted.

HB 591, providing for the restructuring of the Hooksett liquor stores and making an appropriation therefor and repealing the authorization for an addition to the Concord store. Ought to Pass. Rep. Galloway for Public Works.

The majority of the Committee agreed this bill ought to pass as the present two liquor stores are adjacent to the northbound and southbound lanes on the Everett turnpike at the Hooksett toll station must be removed for improvements to the turnpike at this location. Two new stores would be built apart from the toll collecting plaza and would lead to greater safety and convenience to the motorist. Rep. Galloway yielded to questions. Referred to Appropriations.

HB 680, relating to the replacement and road repair of a certain bridge between Walpole, New Hampshire and Bellows Falls, Vermont. Majority: Ought to Pass; Rep. Tarr for Public Works. Minority: (Rep. James J. White): Inexpedient to Legislate.

Majority: Testimony from the Department of Public Works indicated that this project was a very high priority and that funding of 75% Federal and 25% State would be set aside to begin this project in 1978-79. The Public Works Committee voting 17-1 in its action passing this legislation wishes to express its opinion that indeed this is a priority project and should proceed without delay.

Minority: An appropriation at this time is unnecessary. In order to secure federal matching funds, legislative intent and not a bonding appropriation will accomplish bill proposal.

Majority report adopted.

Referred to the Committee on

Interstate Cooperation.

HB 583, relating to the reconstruction and road repair of the North Walpole steel arch bridge between Walpole, New Hampshire and Bellows Falls, Vermont and making an appropriation therefor. Inexpedient to Legislate. Rep. Keller for Public Works.

Sponsor wished to have this bill withdrawn.  
Resolution adopted.

HB 380, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund. Refer to the Committee on Resources, Recreation and Development for interim study. Rep. Clafin for Resources, Recreation and Development.

A very worthwhile project. However, the \$1,000,000 general fund appropriation should have a long hard look.

Referred to the Committee on Resources, Recreation and Development for Interim Study.

HB 439, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage in public waters and making an appropriation therefor. Ought to Pass. Rep. Clafin for Resources, Recreation and Development.

Staff provision for RSA 146-A, oil spillage in public waters.  
Referred to Appropriations.

HB 462, establishing a division of municipal engineering and inspection in the water supply and pollution control commission and making an appropriation therefor. Inexpedient to Legislate. Rep. Clafin for Resources, Recreation and Development.

This bill would expand state bureaucracy on work communities can adequately provide for.  
Resolution adopted.

HB 505, relative to parking facilities at Hampton Beach and making an appropriation therefor. Ought to Pass with Amendment. Rep. Clafin for Resources, Recreation and Development.

Essential funding of Hampton Beach operation.

Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$70,500 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Provided, however, that the bonds issued for the purpose herein shall have a maturity date of 5 years from the date of issue.

4 Revenue Allocation. Revenue derived from the parking meters at Hampton Beach central parking lot shall be deposited in the general fund. Revenue from the parking meters on the Hampton Beach boulevard shall be deposited to the Hampton Beach parking meter account as provided in 1953, 218:10.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 517, providing for the acquisition of Pine River forest. Ought to Pass with Amendment. Rep. Claflin for Resources, Recreation and Development.

This bill has almost unanimous support in the towns involved. It would result in protection of large deposits of sand and water as well as the forest. Developers are eyeing it, and the owner will sell it to the state for less than a developer would give. Committee vote 12-1.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing for the acquisition of a tract of land to be known as the Pine River state forest and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 216-F the following new chapter:

#### CHAPTER 216-G

##### Pine River State Forest

216-G:1 Declaration of Policy. Under the impact of a steadily increasing population and the effects of the continuing development of land for residential and other purposes, few large tracts of forest land remain available in eastern New Hampshire. In the Pine River area is one such tract containing approximately 3,300 acres of land and located partially in Effingham and partially in Ossipee. It is a valuable natural resource and provides protection to the Pine River. The general court deems it of major public benefit hereby to provide the authority and the means for the acquisition of Pine River forest area for the people of New Hampshire and for the generations to come.

216-G:2 Authority. The commissioner of the department of resources and economic development, with the consent of the governor and council, is hereby authorized in the name and on behalf of the state to purchase the Pine River forest area, being a tract of land containing approximately 3,300 acres and lying partially in Effingham and partially in Ossipee, from any person, firm or corporation having interests therein to the extent that such interests may be acquired as are deemed necessary to carry out the purposes of this chapter. The commissioner, with the approval of the governor and council, may accept and apply to the purchase price of said tract, gifts, contributions or aid in any form made or given for that purpose by any person, firm or corporation or by any

municipality or by any agency of the state or of the United States. The commissioner may enter into agreements necessary to qualify for such aid, but no agreement shall be made which would impair the power of the state to administer and utilize said land for the public purposes hereinbefore expressed.

216-G:3 Funding. Any agency of the state having unexpended funds appropriated for, or by law available during, the fiscal year ending June 30, 1977 for land acquisition for public outdoor recreation or for forest and wildlife conservation purposes may, with the approval of the governor and council, contribute such funds or any portion thereof, for application to the purchase price of said land. Any such funds designated for contribution on or before June 30, 1977, shall not lapse and shall remain available for such purpose.

216-G:4 Name; Administration. Upon acquisition by the state said tract shall be known as the Pine River state forest. Said forest shall be administered as provided in RSA 219 and in accordance with a comprehensive plan of management to be established by the commissioner in cooperation with the Pine River state forest advisory council established under RSA 216-G:5, the director of fish and game and with other appropriate state agencies.

216-G:5 Pine River State Forest Advisory Council. There is hereby established the Pine River state forest advisory council which shall be comprised of one designee from each of the following commissions or departments: The Effingham conservation commission; the Ossipee conservation commission; the fish and game department; the department of resources and economic development, division of forests and lands; and the department of resources and economic development, division of parks and recreation. The council shall elect its chairperson, who shall serve as liaison to the commissioner. Council members shall receive no compensation from the state for their services.

216-G:6 Duties; Pine River State Forest Advisory Council. The Pine River state forest advisory council shall:

I. Cooperate and consult with the commissioner of the department of resources and economic development in the preparation of a comprehensive plan.

II. Advise and assist in the protection of the wetlands and natural resources of the Pine River state forest.

2 Appropriation. The sum of \$875,000 is hereby appropriated for the purpose of acquiring the Pine River state forest, so-called. The sum hereby appropriated shall be expended by the commissioner of the department of resources and economic development, and shall be reduced by the amount of any other funds, private or public, available for such purpose, including but not limited to funds available from the federal land and water conservation fund (BOR). Of the sum hereby appropriated, \$50,000 shall be

expended only for those certain incidental costs of land acquisition, including but not limited to appraisals, surveys, forest inventory and title examinations which, under current regulations, are not eligible for federal participation.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 541, establishing a Livermore Falls Gorge study commission and making an appropriation therefor. Ought to Pass with Amendment. Rep. Claflin for Resources, Recreation and Development.

A study committee would work to preserve a unique natural gorge, and the only "pumpkin seed truss" bridge known to exist, for a very modest appropriation. There is strong local support, and there was no opposition at the hearing. Committee vote was 12-1.

#### Amendment

Amend paragraph I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby established a Livermore Falls Gorge study commission for the purpose of investigating the feasibility of public acquisition by the state or a political subdivision or a public interest or non-profit organization or corporation of the Livermore Falls Gorge so-called, situated on the Pemigewasset river in the county of Grafton in the towns of Plymouth, Campton and Holderness. The commission shall consist of 12 members appointed as follows: one member to be designated by the commissioner of the department of resources and economic development; one member to be designated by the director of the division of parks and recreation; one member designated by the state office of historic preservation; one member of the senate designated by the president of the senate, who shall be serving from a district which includes a part of said gorge; one member of the house of representatives designated by the speaker of the house, who shall be serving from a district which includes a part of said gorge, 2 members each from Plymouth, Campton and Holderness designated by the respective boards of selectmen and a member representing the general public designated by the governor and council. The commission members shall serve without compensation but shall be entitled to the same mileage as paid to state employees while performing duties in connection with the study commission. The commission shall elect from its membership a chairman, a vice-chairman and a clerk. The commission may also appoint appropriate subcommittees.

Amendment adopted.

Referred to Appropriations.

HB 558, relative to acquisition of a certain dam and water rights. Refer to the Committee on Resources, Recreation and Development for interim study. Rep. Claflin for Resources, Recreation and Development.

The whole dam situation is to be studied in the interim in the hope of coming up with a suitable dam policy by the 1979 session.

Rep. James Humphrey moved that the words, Ought to Pass with Amendment, be substituted for the committee report, Refer to the Committee on Resources, Recreation and Development for interim study, and spoke to his motion.

Reps. Ganley, Dickinson, Marshall French, Oleson, LaMott and Claflin spoke against the motion.

Rep. James Humphrey spoke again.

A division was requested.

50 members having voted in the affirmative, and 275 in the negative, the motion lost.

Referred to the Committee on Resources, Recreation and Development for interim study.

HB 573, providing for the acquisition of certain dams and water rights by the water resources board and making an appropriation therefor. Ought to Pass. Rep. Claflin for Resources, Recreation and Development.

These dams are an exception to any overall dam policy, as they are all now owned by the state.

Referred to Appropriations.

HB 574, providing for the acquisition of the Hawkins pond dam in the town of Center Harbor and making an appropriation for the repair or reconstruction of same. Refer to the Committee on Resources, Recreation and Development for interim study. Rep. Claflin for Resources, Recreation and Development.

This dam the Committee felt should be part of any interim dam work.

Rep. Taylor spoke in favor.

Referred to the Committee on Resources, Recreation and Development for Interim Study.

HB 598, establishing a bureau of marine services in the department of resources and economic development and making an appropriation therefor. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

There was much testimony expressing satisfaction with the administration of all matters in this area by the Port Authority. It was felt that more protection of local authority resulted, and that expansion of state authority was to be avoided. Vote 13-0. Resolution adopted.

HB 258, restricting the disposal of nuclear wastes in the state and within the coastal jurisdiction of the state. Ought to Pass with Amendment. Rep. Taylor for Science and Technology.



The Committee endeavored to keep the issue of radioactive waste disposal separate from the public controversy over the merits or dangers of nuclear power. The highly emotional nature of the nuclear debate made this difficult but the Committee feels that this bill, in its amended form, addresses some of the main problems which could result if radioactive wastes are disposed of in New Hampshire. To accomplish this, the Committee set about to define, in technical detail, the terms "nuclear waste" and "disposal".

Care was taken to exclude those kinds of nuclear wastes categorized as low level so as not to adversely affect New Hampshire's ninety-three already licensed handlers of radioactive materials. These are already being monitored by the New Hampshire Radiation Control Agency. The amended version addresses only high level wastes from fission reactions. The Committee amendment definition of "disposal" purposely excludes the on-site storage of nuclear fuel rods. The issue of radioactive emissions from the regular operation of nuclear plant is not addressed in the amendment for it was clearly demonstrated to the Committee that the federal government has primary jurisdiction in this area (Northern States Power v. Minnesota). However, it is not clear, according to the Attorney General, whether federal authority pre-empts the states in regulating disposal.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

restricting the disposal of high level nuclear wastes in the state and within the coastal jurisdiction of the state

Amend RSA 162-H:13-a as inserted by section of the bill by striking out same and inserting in place thereof the following:

162-H:13-a Radioactive Nuclear Fission Waste Disposal.

I. No person shall dispose or permit the disposal of radioactive nuclear fission waste material within the territorial jurisdiction of the state of New Hampshire nor within the coastal jurisdiction of the state of New Hampshire as defined in RSA 1:14 (supp).

II. As used in this section:

(a) Radioactive nuclear fission waste means those aqueous materials resulting from the operation of the first cycle solvent extraction process, or equivalent, and the concentrated or reprocessed solid high-level radioactive nuclear fission wastes from subsequent extraction cycles; or spent fuel rods.

(b) Disposal means the placing of any radioactive nuclear fission waste, as defined in subparagraph II (a) above, off-site of its original use.

III. Nothing herein shall be construed to prohibit the transportation of any such wastes from sites within the state.

IV. Whosoever violates the provisions of this section shall be guilty of a class B felony and each day such violation continues shall constitute a separate offense.

Amendment adopted.

Ordered to third reading.

HB 392, prohibiting the dumping or disposal of nuclear waste in New Hampshire. Refer to the Committee on Science and Technology for interim study. Rep. Taylor for Science and Technology.

The Committee feels that the subject of radioactive nuclear waste is of sufficient technical nature, and subject to an ever changing "state of the art"; and, therefore feels that a bill addressing this topic should be held in the event some sudden change, correction or amendment is necessary. New answers are coming from the scientific community every week. Referred to the Committee on Science and Technology for Interim Study.

HB 403, providing a penalty for the disposal of nuclear waste in New Hampshire. Inexpedient to Legislate. Rep. Taylor for Science and Technology. This general subject is addressed in House Bills 258 and 392. Resolution adopted.

HB 456, providing for the preparation of an election procedure manual and making an appropriation therefor. Ought to Pass with Amendment. Rep. Raymond Conley for Statutory Revision.

This bill mandates the preparation of an up-to-date manual on the New Hampshire Primary and Election Laws, and the procedures for conducting elections in plain simple language before every biennial election. The distribution of the manual is also provided for. Both elected officials and the public have asked for a manual of this type for the past three sessions. The vote of the Committee was unanimous on "Ought to pass with amendment."

#### Amendment

Amend RSA 5:6-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

5:6-a Election Procedure Manual. The secretary, with the advice and approval of the attorney general, shall prepare or cause to be prepared by June first preceding each biennial election an up-to-date manual on the New Hampshire primary and election laws and procedures for conducting elections which shall be written in non-technical language. The manual shall be distributed free of charge to each moderator, board of selectmen,



city council, board of supervisors of the checklist and each town, city, ward, school district or village district clerk and any other elected or appointed official at the discretion of the secretary. The secretary may distribute said manual to any other person who requests it upon payment by them of a fee which equals the costs of preparation and distribution of said manual.

Amendment adopted.

Referred to Appropriations.

HB 455, providing for a special license plate for a person with a walking disability. Ought to Pass with Amendment. Rep. James Murray for Transportation.

For the handicapped people of our state we have a system of placing cards on the windshield visor of their cars to help identify these cars as those of handicapped people. This entitles them to parking privileges allowed by law. Up to now there has been a problem with this system and HB 455 seeks to remedy this. In the winter months snow often makes it impossible for law enforcement officers to see this card and they have ticketed cars of handicapped people by mistake. Trying to settle this ticket problem creates the same problem the original RSA 260:18 tried to eliminate. HB 455 proposes decals be put on the license plates of the handicapped. This will prevent any more ticketing problems as law enforcement officers must look at the plate to be able to ticket a car and the decal won't be missed. The Committee overwhelmingly feels this bill ought to pass with amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing for a special decal on motor vehicle number plates for a person with a walking disability.

Amend RSA 260:18-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

260:18-a Vehicles for Persons with Walking Disability. Upon payment of a motor vehicle registration fee, if any, the director shall issue a special decal, to be designed by him to be affixed to the vehicle number plate of a person with a walking disability who has an operator's license to operate said vehicle, provided said person shall furnish proof satisfactory to the director of such disability. The term "walking disability" as used in this section shall mean inability to walk without the assistance of crutches, canes, braces, artificial limbs or other similar walking aids, or designating confinement to a wheelchair.

Such special decal may be attached only to the number plate on vehicles registered in the name of the person with the walking disability. If the police of a town or city shall find that the decals provided hereunder are being improperly used, they may report to the director any such violation and said director may, in his discretion, revoke said privilege.

Amendment adopted.

Referred to Appropriations.

HB 493, relative to the legacy and succession tax. Ought to Pass. Rep. Wallin for Ways and Means.

This bill authorizes payment of ten percent annual interest on amounts illegally exacted by the Department of Revenue Administration. Presently no interest is paid on these amounts. The Committee vote was unanimous. Referred to Appropriations.

HB 510, providing a limit on credit for retailers, vendors and subjobbers of tobacco products and increasing fees for wholesalers, subjobbers and retailers of tobacco products. Inexpedient to Legislate. Rep. Ahern for Ways and Means.

The vote of the Committee was unanimous. The bill would in effect put the state in the collection enforcement business, with considerable related problems for the Department of Revenue Administration. There is no need for this legislation and it would upset the delicate balance of pricing and sales of cigarettes. The enactment of this bill into law would have an adverse effect on the retailers. Resolution adopted.

HB 580, relating to deduction from gross business profits in determining taxable business profits and to the return of revenue to cities and towns. Inexpedient to Legislate. Rep. Splaine for Ways and Means.

The committee was unanimous in feeling that the state had made a commitment to the cities and towns on the 5% growth in the Business Profits Tax return and that freezing that expected return would affect local property taxes by \$3.7 in the biennium.

Rep. McLane spoke to the Committee report.

Rep. George Wiggins moved that HB 580 be recommitted to the Committee on Ways and Means and spoke to his motion.

Reps. Splaine, James White, Coutermarsh, Oleson, Marshall French, Eugene Daniell, Spirou and Tucker spoke against the motion.

Reps. Kenneth Smith, Elmer Johnson, Bednar, Clark and Scamman spoke in favor of the motion.

Rep. Ira Allen moved the previous question. Sufficiently seconded. Adopted.

Rep. Cornelius requested a roll call.  
Sufficiently seconded.

(Speaker presiding)

YEAS 90    NAYS 256  
YEAS 90

BELKNAP: Mansfield, Marsh, James Murray and Sanders.

CARROLL: Roderick Allen, Dickinson, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Faucher, Fillback, Elmer Johnson, Slack and Whipple.

COOS: Burns, Mabel Richardson and York.

GRAFTON: Aldrich, Ira Allen Buckman, George Gate, Clark, Duhaime, Myrl Eaton, Logan, McAvoy, Pepitone, Taylor and Glynetta Thomson.

HILLSBOROUGH: Barrett, Bednar, Roland Boucher, Arline Dion, Sal Grasso, Howard Humphrey, Knight, Armand Lemire, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Paul Riley, Sing, Stylianos, Harold Thomson, Wallace and Emma Wheeler.

MERRIMACK: Bellerose, Laurent Boucher, Chandler, James Humphrey, Polly Johnson, Packard, Shepard, Stockman and Waters.

ROCKINGHAM: Barka, Bisbee, Blake, Cutcliffe, Danforth, Davis, Erler, Felch, Beverly Gage, Hoar, King, Lovejoy, Nelson, Norton, Scamman, Schwaner, Tavitian, Webster, Helen Wilson and Wolfson.

STRAFFORD: Appleby, Canney, Donnelly and Meader.

SULLIVAN: Barrus, D'Amante, Gray, Ingram Lewko, Scott and George Wiggins.

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BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Lawton, Morin, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Claflin, Raymond Conley, Found and Keller.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Galloway, Anne Gordon, Irvin Gordon, Hogan, Ladd, Lynch, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis and Terry Wigin.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Hunt, Keough, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhagen, Cornelius, Crory, Gemmill, Hough, LaMott, Mann, Neil McIver, Rounds, Snell, Stomberg, Taffe,

Madeline Townsend, Ward and Michael Woodward.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Belanger, Bellemore, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Brody, Burke, Carswell, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Thomas Hynes, Kaklamanos, Karnis, Keefe, Lachance, LaPlante Levesque, Lyons, Madigan, Marcoux, Martin, Martineau, McDonough, McGlynn, McLaughlin, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Record, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Francis Sullivan, Van Loan, Wallin, Geraldine Watson, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bibbo, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Richard Hanson, Hess, Kidder, LaBonte, McLane, McNichol, Mullin, Arthur Perkins, Plourde, Ralph, Rice, Rich, Gerald Smith, Tarr, Doris Thompson, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Benton, Blanchette, William Boucher, Carpenito, Collins, Connors, Cummings, Cunningham, Robert Day, Flanagan, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Hartford, Kane, Kashulines, Krasker, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Parolise, Parr, Quimby, Richards, Rogers, Sanborn, Skinner, Splaine, Vlack and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Desnoyer, LeBrun, Palmer, Spaulding, Sara Townsend, and Tucker, and the motion lost.

Question being on the adoption of the committee report.

Rep. Tucker moved that the words, Ought to Pass be substituted for the Committee Report, Inexpedient to Legislate, and spoke to his motion.

Rep. McLane spoke against the motion.  
Rep. Marsh spoke in favor of the motion.

Rep. Spirou moved that HB 580 be indefinitely postponed and spoke to his motion.

Reps. Nardi and Close spoke in favor of the motion.

Rep. Marshall French spoke against the motion.

Rep. Spirou withdrew his motion.

Question being on the motion to substitute Ought to Pass for Committee Report, Inexpedient to Legislate.

A roll call was requested.

(Speaker presiding)

YEAS 62 NAYS 283

YEAS 62

BELKNAP: Marsh and James Murray.

CARROLL: Roderick Allen, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Elmer Johnson.

COOS: Fortier and Keough.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Duhaime, Logan, Snell and Glyneta Thompson.

HILLSBOROUGH: Barrett, Bednar, Granger, Howard Humphrey, Paradis, Arnold Perkins, Polak, Henry Richardson, Paul Riley and Emma Wheeler.

MERRIMACK: Bellerose, Laurent Boucher, Chandler, James Humphrey, Polly Johnson, Shepard, Stockman and Waters.

ROCKINGHAM: Blake, William Boucher, Cutcliffe, Danforth, Davis, Erler, Felch, Goff, Kashulines, Nelson, Norton, Parr, Scamman, Schwaner, Skinner, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Canney and Donnelly.

SULLIVAN: Barrus, Gray, Ingram, Lewko, Scott, Tucker and George Wiggins.

NAYS 283

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Keller and Towle.

CHESHIRE: Callahan, Chase, Close, Dostilio, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Hogan, Ladd, Lynch, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatisis, Whipple and Terry Wigin.

COOS: Burns, Cooney, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Chambers, Copenhaver, Cornelius, Crory, Myrl Eaton, Gemmill, Hough, LaMott, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Brody, Burke, Carswell, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Lachance, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Martin, Martineau, McDonough, McGlynn, McLaughlin, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Podles, Record, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Harold Thompson, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bibbo, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Richard Hanson, Hess, Kidder, LaBonte, McLane, McNichol, Mullin, Packard, Arthur Perkins, Plourde, Ralph, Rice, Rich, Gerald Smith, Tarr, Doris Thompson, Trachy, Ernest Valliere, and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Barka, Benton, Bisbee, Blanchette, Carpenito, Collins, Connors, Cummings, Cunningham, Robert Day, Flanagan, Beverly Gage, Carl Gage, Canley, Gaskill, Gould, Greene, Hartford, Hoar, Kane, King, Krasker, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Parolise, Quimby, Richards, Rogers, Sanborn, Splaine, Tavitian, Vlack, Webster and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meador, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, D'Amante, Desnoyer, LeBrun, Palmer, Spaulding and Sara Townsend and the motion to substitute Ought to Pass for the Committee Report, Inexpedient to Legislate lost.

Resolution adopted.

Reps. Polly Johnson and Fortier notified the Clerk that they inadvertently voted yes and wished to vote no.

## SENATE MESSAGES

## REQUEST CONCURRENCE WITH AMENDMENT

HB 120, making a supplemental appropriation for the board of registration for professional engineers. (Amendment printed in SJ 4/7)

Rep. Tucker moved that the House concur with the Senate amendment.

Adopted.

## REQUEST CONCURRENCE WITH AMENDMENT

HB 236, relative to the student trustee in the state university system. (Amendment printed in SJ of 4/7)

Rep. Gemmill moved that the House concur with the Senate amendment.

Rep. Lessard spoke in favor of the motion.

Adopted.

Rep. Marshall French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 893 through 905 and House Bill of Intent 2026 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 893, relative to exempting public officials from liability for bodily injury in certain cases. (Chapman of Rockingham Dist. 15 - To Judiciary)

HB 894, providing opportunity in public education without discrimination. (Day of Hillsborough Dist. 26; Krasker of Rockingham Dist. 22; Wallin of Hillsborough Dist. 16; Smith of Hillsborough Dist. 14; McGlynn of Hillsborough Dist. 21; Chambers of Grafton Dist. 13 - To Education)

HB 895, limiting a party primary candidate to one nomination for the same office and limiting a write-in primary candidate to one nomination for the same office. (Vrakatitsis of Cheshire Dist. 12; Ingram of Sullivan Dist. 9 - To Statutory Revision)

HB 896, authorizing requiring an investigation of the water level in Arlington pond by the water resources board. (Parolise of Rockingham Dist. 5 - To Resources, Recreation and Development)

HB 897, requiring the county commissioners to report monthly on county expenditures. (Currier of Hillsborough Dist. 15 - To Municipal and County Government)

HB 898, relative to amending provisions of the Nashua city charter. (Boisvert of Hillsborough Dist. 22 - To Municipal and County Government)

HB 899, relative to reporting vote totals by party for nominees of more than one party. (Maglaras of Strafford Dist. 17 - To Statutory Revision)

HB 900, authorizing cities and towns to discontinue public highways subject to

existing utility easements. (Normand of Hillsborough Dist. 36; Martineau of Hillsborough Dist. 36; Boucher of Hillsborough Dist. 36; Bellemore of Hillsborough Dist. 34; LaPlante of Hillsborough Dist. 35; Coughlin of Hillsborough Dist. 27 - To Municipal and County Government.)

HB 901, relative to applications for welfare assistance. (Murray of Hillsborough Dist. 3; Humphrey of Hillsborough Dist. 1 - To Municipal and County Government)

HB 902, to specify criteria to be used by the board of taxation in reassessments of municipalities. (LaBonte of Merrimack Dist. 12 - To Municipal and County Government)

HB 903, permitting the legislative body of any city or town to regulate and control the timing of all types of development. (Krasker of Rockingham Dist. 22; Griffin of Rockingham Dist. 19; Zabarsky of Rockingham Dist. 22; Niebling of Rockingham Dist. 13 - To Municipal and County Government)

HB 904, permitting the delegation of authority to an administrative body to carry out the procedures of the planning board. (Aeschliman of Rockingham Dist. 18 - To Municipal and County Government)

HB 905, relative to the licensing of businesses in a town. (Bednar of Hillsborough Dist. 14; Callahan of Cheshire Dist. 2; Pepitone of Grafton Dist. 3; Faucher of Cheshire Dist. 3 - To Municipal and County Government)

HBI 2026, relating to: establishing a committee to study the county convention commission. (Healy of Hillsborough Dist. 29 - To Municipal and County Government)

Rep. Gemmill moved that HB 665, permitting certain school districts to pay teachers' contributions to the New Hampshire retirement system, be taken from the table.

Adopted.

## VACATE

Rep. Gemmill moved that the House vacate the reference of HB 665 to the committee on Education and re-refer said bill to the committee on Executive Departments and Administration.

Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Marshall French offered the following:

## HOUSE RESOLUTION NO. 27

establishing a deadline for signing and introducing legislation in the house

WHEREAS, there are almost 400 drafting requests remaining to be sent to the House for introduction by the Office of Legislative Services; and

WHEREAS, there are only 4 weeks remaining until transfer day; and

WHEREAS, the overloading of house committees in the period immediately preceding transfer day can be reduced if bills are made available to those committees as soon as possible after they are drafted,



Now, Therefore Be It Resolved that all drafting requests that are ready for signature on April 12th must, in order to be introduced, be signed by their sponsors or returned for redrafting together with all necessary information on that date; and

Be It Further Resolved that no house bill shall be introduced after April 14th unless approved by the House rules committee or by a two-thirds vote of the House.

Rep. Marshall French explained the resolution.

Resolution adopted.

#### VACATE

Rep. Raymond Conley moved that the House vacate the references of:

SB 64, relative to homestead rights for mobile home owners.

HB 351, relative to landlord and tenant relations.

HB 411, relative to the regulation of security deposit retention by landlords.

HB 463, increasing the amount of the homestead right.

HB 632, relative to tenant responsibility for utilities.

HB 633, relative to method of service in evictions.

HB 634, relative to judgments for landlords in evictions.

HB 635, relative to discretionary stays in evictions.

HB 767, establishing actions against landlords for failure to furnish utilities.

HB 815, relative to tenancies in mobile home parks.

HB 631, relative to appearance and hearing in evictions, to the committee on Statutory Revision and re-refer said bills to the committee on Constitutional Revision.

The Chair explained that these bills are being vacated from the committee on Statutory Revision to the committee on Constitutional Revision in order to allow Statutory Revision more time to devote to election law reform, which is its major job this session. The committee on Constitutional Revision has shown by its action on other bills that have been referred to it that it has the talent, experience and interest in bills of this kind to do a thorough job in considering these bills. The workload of the Committee on Constitutional Revision is presently light enough to allow it ample time to give these bills the thorough consideration they deserve.

Adopted.

Rep. Kidder requested the Speaker to have the record show a unanimous voice vote, no nays having been heard on the adoption of committee report, Ought to Pass on HB 523, authorizing payment to Merrimack County for services rendered and making an appropriation therefor.

The Speaker so instructed the Clerk.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 12 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 565, providing for payment of a claim to Barbara Cyr and making an appropriation therefor.

HB 322, relative to the unsecured loaning authority of cooperative banks, building and loan associations and savings and loan associations.

HB 372, relative to authority of Franklin Pierce College and the Franklin Pierce Law Center to confer degrees.

HB 243, relative to a hunting accident in which a person is wounded or killed.

HB 359, permitting any person 16 years of age or over to be prosecuted as an adult for a violation of any fishing law.

HB 415, relative to penalties if found intoxicated while hunting and relative to implied consent.

HB 468, opening Christine lake in the town of Stark to ice fishing.

HB 386, relative to liens on vessels, boats, and vessel or boat motors.

HB 467, relative to charging manner of death.

SB 63, relative to real estate tax lien for the elderly or disabled.

HB 446, relative to appeals from decisions of the racing commission and the greyhound racing commission.

HB 311, relative to notice by the conservation commission to the water resources board on local investigations pending dredge and fill approval.

HB 430, authorizing dealers to issue temporary plates for twenty days, evenue to open space land protection; and providing for the protection of open space land.

HB 258, restricting the disposal of high level nuclear wastes in the state and within the coastal jurisdiction of the state.

#### RECONSIDERATIONS

Rep. Coutermarsh moved that the House reconsider its action whereby it killed HB 580, relating to deductions from gross business profits in determining taxable business profits and to the return of revenue to cities and towns.

Reconsideration lost.

Rep. Felch moved that the House reconsider its action whereby it killed HB 570, relative to the police standards and training council and making an appropriation therefor.

Reconsideration lost.

356 members were recorded present.

# RECESS

(Rep. Marshall French in Chair)

Rep. Lyons offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 906 through 945 and House Joint Resolution numbered 3 and House Bills of Intent numbered 2027 through 2030 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS and HJRS and HBIs

First, second reading and referral  
HB 906, relative to the appointment and qualifications of the fish and game commission and providing for the appointment and removal of the executive director of the fish and game department. (Stimmell of Rockingham Dist. 1; Sen. Blaisdell of Dist. 10; Wolfson of Rockingham Dist. 15; Huggins of Coos Dist. 1; Webster of Rockingham Dist. 6; Thomson of Hillsborough Dist. 7; Wiswell of Coos Dist. 1; Felch of Rockingham Dist. 11; Pratt of Merrimack Dist. 21; Smith of Merrimack Dist. 21; Hunt of Coos Dist. 2; Polak of Hillsborough Dist. 14; Brodeur of Sullivan Dist. 5; Sabbow of Belknap Dist. 6; St. George of Hillsborough Dist. 23; Theriault of Coos Dist. 9; Allen of Grafton Dist. 1 - To Fish and Game)

HB 907, defining specific learning disabled. (Day of Hillsborough Dist. 26; Lessard of Strafford Dist. 20; Carswell of Hillsborough Dist. 13; Lyons of Hillsborough Dist. 13 - To Education)

HB 908, authorizing the county convention to appropriate certain federal funds. (Allen of Carroll Dist. 5; MacDonald of Carroll Dist. 4 - To Municipal and County Government)

HB 909, relative to prior local approval of subdivisions. (Normand of Hillsborough Dist. 36; O'Neil of Hillsborough Dist. 32; Boucher of Hillsborough Dist. 36; Ziakas of Hillsborough Dist. 33; Martineau of Hillsborough Dist. 36 - To Municipal and County Government)

HB 910, relative to double doors. (Murray of Belknap Dist. 5 - To State Institutions)

HB 911, relative to the composition of the state board of auctioneers. (Skinner of Rockingham Dist. 3-A - To Commerce and Consumer Affairs)

HB 912, relative to zoning authority. (O'Neil of Hillsborough Dist. 32 - To Municipal and County Government)

HB 913, relative to probation reports. (O'Neil of Hillsborough Dist. 32; O'Connor of Strafford Dist. 18 - To Constitutional Revision)

HB 914, providing for a voter petition to amend subdivision regulations in a town. (Bednar of Hillsborough Dist. 14 - To Municipal and County Government)

HB 915, relative to sewer user charges. (White of Hillsborough Dist. 27 - To Municipal and County Government)

HB 916, permitting planning boards to require a subdivider to install prescribed traffic control devices. (Bednar of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3; Callahan of Cheshire Dist. 2 - To Municipal and County Government)

HB 917, relative to the licensing of blind persons to operate vending facilities. (Dickinson of Carroll Dist. 2; Head of Hillsborough Dist. 10; Oleson of Coos Dist. 5; Ladd of Cheshire Dist. 3; Claflin of Carroll Dist. 4 - To State Institutions)

HB 918, relative to party committees. (Hess of Merrimack Dist. 6; Boucher of Merrimack Dist. 6 - To Statutory Revision)

HB 919, permitting school districts to hire outside auditors for the annual audit and examination of records. (Bednar of Hillsborough Dist. 14; Wiggins of Sullivan Dist. 8; French of Belknap Dist. 1, for Department of Revenue Administration - To Education)

HB 920, relative to the state's assumption of the responsibility of water impoundment. (Claflin of Carroll Dist. 4 - To Resources, Recreation and Development)

HB 921, prohibiting candidates for elective office from serving as election officers in towns and wards with populations exceeding 1,000 persons. (Spirou of Hillsborough Dist. 27; Krasker of Rockingham Dist. 22; Day of Hillsborough Dist. 26; Hildreth of Belknap Dist. 6; Rossley of Rockingham Dist. 23; Connolly of Hillsborough Dist. 9; Wilson of Strafford Dist. 11; Splaine of Rockingham Dist. 19 - To Statutory Revision)

HB 922, relative to property tax exemptions for real estate equipped with wind-powered energy systems. (Horrigan of Strafford Dist. 4; Poulin of Coos Dist. 9 - To Science and Technology)

HB 923, excluding a certain amount of land around a residence from current use treatment. (Mullin of Merrimack Dist. 10 - To Environment and Agriculture)

HB 924, relative to holding cutters of timber liable for correct reporting for timber yield tax. (Bibbo of Merrimack Dist. 2 - To Municipal and County Government)

HB 925, relative to the employment of an attorney to handle closing transactions on real property purchases. (Collins of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 926, amending the town charter of Hanover allowing selectmen to establish one or more parking districts. (Crory of Grafton Dist. 13; Chambers of Grafton Dist. 13; Copenhaver of Grafton Dist. 13; Cornelius of Grafton Dist. 13 - To Municipal and County Government)

HB 927, eliminating the state university system study committee. (Dionne of Belknap Dist. 6 - To Legislative Administration)

HB 928, relative to veterinarian licenses. (Frizzell of Sullivan Dist. 7; Campbell of Rockingham Dist. 5 - To Environment and Agriculture)

HB 929, giving municipalities the option to designate certain areas within their jurisdiction as critical and to permit development therein when in accordance with protective standards. (Spirou of Hillsborough Dist. 27; Greene of Rockingham Dist. 17; Dickinson of Carroll Dist. 2; Sen. Trowbridge of Dist. 11; Orcutt of Hillsborough Dist. 8; Chambers of Grafton Dist. 13; Haynes of Coos Dist. 1; Ganley of Rockingham Dist. 13 - To Environment and Agriculture)

HB 930, adopting a plea negotiations act. (Currier of Hillsborough Dist. 15 - To Judiciary)

HB 931, relative to the ability of a defendant to pay a judgment. (Currier of Hillsborough Dist. 15 - To Judiciary)

HB 932, relative to the registration of motor vehicles owned or operated by governmental units, volunteer fire departments and educational institutions. (Murray of Hillsborough Dist. 3; Coutermarsh of Hillsborough Dist. 24 - To Transportation)

HB 933, relative to the duty to disclose certain information imposed upon real estate brokers and salesmen. (Clafin of Carroll Dist. 4 - To Commerce and Consumer Affairs)

HB 934, relative to increasing the veterans' property tax exemption. (Bodi of Merrimack Dist. 7 - To Claims, Military and Veterans Affairs)

HB 935, requiring written notification prior to the expiration of motor vehicle registrations. (Seamans of Hillsborough Dist. 15 - To Transportation)

HB 936, relative to the good samaritan law. (Smith of Hillsborough Dist. 14; Sen. Keeney of Dist. 14 - To Constitutional Revision)

HB 937, relative to assistance payments to recipients of supplemental security income. (Murray of Hillsborough Dist. 3 - To Health and Welfare)

HB 938, allowing permits for child care facilities. (Wilson of Rockingham Dist. 2 - To Health and Welfare)

HB 939, authorizing the director of the division of motor vehicles to issue a 5 day permit for a motor vehicle, trailer, semi-trailer or tractor. (Dupont of Hillsborough Dist. 22 - To Transportation)

HB 940, relative to police patrolling interstate highways. (Bodi of Merrimack Dist. 7 - To Transportation)

HB 941, permitting an appeal from the granting of a license to operate a motor vehicle junk yard. (Currier of Hillsborough Dist. 15 - To Environment and Agriculture)

HB 942, defining terms relative to franchises. (Marsh of Belknap Dist. 2 - To Judiciary)

HB 943, relative to segregating adult literature from all other books in retail establishments. (Kelly of Strafford Dist. 19; D. Herchek of Strafford Dist. 16; Ingram of Sullivan Dist. 9; Blake of Rockingham Dist. 8; Wheeler of Hillsborough Dist. 11; French of Strafford Dist. 21; Woodward of Coos Dist. 2 - To Constitutional Revision)

HB 944, amending the consumer class actions. (Boucher of Merrimack Dist. 6 - To Judiciary)

HB 945, relative to county bonds. (Bednar of Hillsborough Dist. 14; Boucher of Rockingham Dist. 3 - To Municipal and County Government)

HJR 3, providing for a legislative committee to study regional revenue sharing. (Splaine of Rockingham Dist. 19; Aeschliman of Rockingham Dist. 18; Head of Hillsborough Dist. 10; Nemzoff-Berman of Hillsborough Dist. 18; Maynard of Rockingham Dist. 18; Dunfey of Rockingham Dist. 12; Kaklamanos of Hillsborough Dist. 21; Pappas of Hillsborough Dist. 18; French of Strafford Dist. 21; LaFleur of Hillsborough Dist. 32; Allen of Carroll Dist. 5; Wiggin of Cheshire Dist. 14; Normand of Hillsborough Dist. 36; Ambrose of Belknap Dist. 1; McLane of Merrimack Dist. 16; Poulin of Coos Dist. 9; Chambers of Grafton Dist. 13; Morrisette of Strafford Dist. 7; Hansen of Hillsborough Dist. 11 - To Legislative Administration)

HB 1207, Relating to: studying the feasibility of enacting a junk title law. (Coutermarsh of Hillsborough Dist. 24; Murray of Belknap Dist. 5; Plourde of Merrimack Dist. 7; Eaton of Hillsborough Dist. 1; Sing of Hillsborough Dist. 23; Close of Cheshire Dist. 15 - To Transportation)

HB 1208, Relating to: establishing fees for hikers; revenue from same to subsidize search and rescue operations. (Stimmell of Rockingham Dist. 1 - To Fish and Game)

HB 1209, Relating to: devising a method for citizens redress upon the violation of a statute or provision of the constitution by a city, town, county or state. (Cote of Hillsborough Dist. 28 - To Constitutional Revision)

HB 1230, Relating to: escapees from the New Hampshire hospital. (Bodi of Merrimack Dist. 7 - To State Institutions)

## SENATE MESSAGE

### INTRODUCTION OF SENATE BILLS

First, second reading and referral  
SB 102, relative to an adult tutorial program and making an appropriation therefor. (Education)

SB 93, clarifying the legislative intent to which the state shall assume contractual obligations for the design of municipal sewage disposal systems. (Resources, Recreation and Development)

SB 70, relative to the appointment and duties of the New Hampshire retirement system trustees. (Executive Departments and Administration)

SB 103, specifying certain items for the state prison in the 1975 capital budget. (State Institutions)

(Speaker in the Chair)

Rep. Marshall French moved that the  
House adjourn.

Adopted.



# HOUSE JOURNAL 25

*Tuesday, 12 Mar77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain,  
Milton L. Smith, Sr.

"This is the day the Lord hath made  
His workmanship: the dawn, the light,  
the shade,

The wind, the rain, the sunshine and  
the dew.

He loans its hours, for us to live them  
through

Joyfully and gladly without lack;  
And then at nightfall, bids us bring  
them back

And lay them at His feet that He may see  
We have lived worthily.- - (Grace Noll  
Crowell, Songs of Faith, p 31) -

God grant we be deserving of this  
day. Amen!

Rep. Podles led the Pledge of  
Allegiance.

## LEAVES OF ABSENCE

Reps. Morgan, Michael Hanson, Anthony  
Randall, Burrows, Forsaith Daniels,  
Crotty, Emma Wheeler, Martin and Morin,  
the day, illness.

Reps. Chapman, Lachance, Griffin,  
McLane, Donna MacIvor, Wiviott, Grieco,  
James Herchek, Diane Herchek and Hogan,  
the day, important business.

## INTRODUCTION OF GUESTS

Charlie Holt, Coach and Barry Edgar,  
Captain of the UNH Hockey Team, guests of  
the Speaker; Norman Evans, President of  
Bishop Lonsdale College, Derby, England,  
guest of Rep. Margaret Ramsay; Twenty-four  
Junior and Senior students, Mr. Fred  
Wolf's class from Alvirne High School,  
Hudson, guests of Hudson Delegation; Karen  
Faucher, Kathy Ginior, Peggy Maxfield and  
Sheryl Worden from Hindsale Elementary  
School, guests of Rep. Faucher; Ed Miller  
and Rich Berger, members of the Vermont  
Legislative Counsel, guests of the Speaker  
and Rep. Bridges.

## PETITION

The City of Somersworth has petitioned  
the House of Representatives not to take  
away any present or additional funds  
ear-marked for the cities and towns.

## SENATE MESSAGES

### CONCURRENCE

HB 259, establishing the ladybug as  
the state insect of New Hampshire.

HB 104, an act providing for the  
disposal of certain fish, game,  
fur-bearing animals and marine species.

HB 172, permitting tax collectors to  
use automatic or electronic data  
processing in certain cases.

HB 60, relating to registration and  
examination fees for professional  
engineers.

HB 137, requiring permission from the  
trap owner before a duly licensed trapper  
may tend another trapper's traps.

HB 166, relative to the limited  
openings of smelt brooks to the  
handicapped.

HB 186, providing for seasons and bag  
limits on snowshoe hares and cottontail  
rabbits and defining small game.

HCR 5, establishing a legislative  
committee to plan for a re-enactment of  
the Battle of Bennington.

The Speaker called for the Special  
Order on HR 24, creating an Interim  
Committee on occupational licensing and  
regulatory boards.

Rep. Splaine requested a quorum count.

The Speaker declared a quorum present.

Rep. Rossley moved that HR 24 be moved  
to the end of the Regular Calendar.

Rep. Sara Townsend spoke in favor of  
the motion.

Adopted.

## COMMITTEE REPORTS

### (Consent Calendar)

Rep. Marshall French moved that the  
House adopt the committee recommendation  
of Inexpedient to Legislate on HBs 449,  
636, 538 and 66, and further moved that  
the House adopt the committee  
recommendation of Ought to Pass on HBs  
441, 474, 649, 270, 371, 384 and 406, and  
further moved that the House adopt the  
committee recommendation of Ought to Pass  
with Amendment on HBs 356, 426, 436 and  
232, and further moved that the House  
adopt the committee recommendation of  
Refer to Interim Study committees by the  
appropriate standing committees on HBs 193  
and 421.

HB 538 was withdrawn from the Consent  
Calendar at the request of Rep. Splaine.

HB 66 was withdrawn from the Consent  
Calendar at the request of Rep. Leonard  
Smith.

HB 232 was withdrawn from the Consent  
Calendar at the request of Rep. Pratt.

HB 449 was withdrawn from the Consent  
Calendar at the request of Rep. Poulin.

HB 356 was withdrawn from the Consent  
Calendar at the request of Rep. Nemzoff-  
Berman.

Adopted.

HB 636, relative to appeals in  
evictions. Inexpedient to Legislate.  
Rep. Carpenito for Judiciary.

The problem that this bill seeks to  
correct is already addressed in  
current statute (RSA 540:25). This  
legislation, therefore, is unnecessary.

HB 441, relative to changing the season on otter, mink and muskrat. Ought to Pass. Rep. Huggins for Fish and Game.

This bill gives trappers three days in advance of deer season to place their traps. The Committee vote was 12 - 1.

HB 474, permitting persons awaiting trial in superior court to work in a jail or house of correction. Ought to Pass. Rep. Carpenito for Judiciary.

This bill corrects and justifies an already widespread practice within the confines of our jails. It will allow prisoners in jails who are deemed not likely to flee custody to occupy their time constructively by working in the facility.

HB 649, relative to prostitution and related offenses. Ought to Pass. Rep. Arthur Perkins for Judiciary.

This bill was requested by the Attorney General's Office. It's a housekeeping bill which clarifies certain definitions in the criminal code.

HB 270, amending the capital improvement appropriation for the aeronautics commission relative to total project cost in order to permit use of appropriated funds with increased percentage of federal participation. Ought to Pass. Rep. Bibbo for Public Works.

The Committee unanimously voted this bill ought to pass as the Aeronautics Commission would be able to participate in a greater share of federal funds, from 75 percent to 90 percent of federal participation. Referred to Appropriations.

HB 371, relative to the use of highway relocation funds. Ought to Pass. Rep. Coburn for Public Works.

The Committee unanimously felt that in recommending this bill ought to pass to eliminate the duplication of functions and to prevent unnecessary expense by permitting the Commissioner of Public Works and Highways to make relocation payments and provide relocation assistance, subject to the approval of Governor and Council, within the limits of available funds and appropriations. Referred to Appropriations.

HB 384, to reclassify a certain section of highway in the town of North Hampton. Ought to Pass. Rep. Connors for Public Works.

The Committee unanimously voted ought to pass on this bill. Reclassifying a section of Sea Road in North Hampton from a class V to a class II highway would also make it possible to provide a bicycle path along this stretch of the road. The selectmen are in favor. Referred to Appropriations.

HB 406, authorizing license and permit for restaurants in Landaff. Ought to Pass. Rep. Sanborn for Regulated Revenues.

The Committee received a petition in support of this bill signed by 74% of the registered voters in Landaff, 119 out of 162 registered voters. The vote of the Committee was 17-0.

HB 426, revising the state tax on dog racing. Ought to Pass with Amendment. Rep. Sanborn for Regulated Revenues. The Committee was unanimously in favor of this method of giving relief to dog tracks, thereby insuring continued revenue to the state. Vote was 13-0.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Tax Amended. Amend RSA 284:23 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding RSA 284:23 to the contrary, if the pari-mutuel pools are less than \$100,000 for any one calendar day at a dog race or dog race meet then a tax of \$750 is imposed on the first \$50,000. All additional tax shall be imposed at the regular rate as defined in RSA 284:23.

2 Repeal. RSA 284:23, V relative to the state tax on dog racing is hereby repealed.

#### 3 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect July 1, 1979.

Referred to Appropriations.

HB 436, revising the tax on harness horse racing. Ought to Pass with Amendment. Rep. Sanborn for Regulated Revenues.

The Committee voted 13-0 in favor of this method of giving relief to depressed horse tracks, thereby insuring continued revenue to the state.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

revising the state tax on harness racing.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Tax Amended. Amend RSA 284:23 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding RSA 284:23 to the contrary, if the pari-mutuel pools are less than \$100,000 for any one calendar day at a harness race or harness race meet then a tax of \$750 is imposed on the first \$50,000. All additional tax shall be imposed at the regular rate as defined in RSA 284:23.

2 Repeal. RSA 284:23, V relative to the state tax on harness racing is hereby repealed.

3 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect July 1, 1979.

Referred to Appropriations.

HB 193, relative to class actions under the consumer protection law. Refer to the Committee on Judiciary for Interim Study. Rep. Arthur Perkins for Judiciary. The Committee unanimously felt that due to the complex nature of class actions, additional time is needed for an in depth study of the class action statutes. The Committee felt the appropriate course of conduct was to refer to interim study to ascertain acceptable changes.

HB 421, relative to the distribution of municipal and district court monies. Refer to the Committee on Judiciary for Interim Study. Rep. Aller for Judiciary. Additional study is needed in order to arrive at a formula more acceptable to all parties. Concept is laudatory, but its complexity necessitates further study. Referred to the Committee on Judiciary for Interim Study.

COMMITTEE REPORTS  
(Regular Calendar)

HB 419, specifying procedures for the sale and fitting of hearing aids and requiring the registration of hearing aid dealers. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs. This bill, as amended, has adopted some of the provisions of HB 519. Overwhelming testimony indicated a need for some action. HB 419, as amended, protects the consumer without incurring undue hardship for the providing of hearing aids. It does not affect the major portion of hearing aid business which is in the area of repair, maintenance and replacement.

Amendment

Amend RSA 137-D:1, IX as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IX. "Written recommendation" means written statement signed by an otolaryngologist, or a licensed physician, or an audiologist in conjunction with a licensed physician, which may or may not recommend the use of a hearing aid for a specified person.

Amend RSA 137-D:1 as inserted by section 2 of the bill by inserting after paragraph V the following new paragraph and renumbering the original paragraphs VI - I to read as:

VII, VIII, IX and X respectively:

VI. "Otolaryngologist" means a physician licensed in the state of New Hampshire who specializes in medical problems of the ear, nose, and throat, and is eligible for qualification by the American Board of Otolaryngology as an otolaryngologist.

Amend RSA 137-D:4 as inserted by section 2 of the bill by inserting after paragraph VII the following new paragraph:

VIII. Calling at least 2 meetings a year of the advisory council.

Amend RSA 137-D:6 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

137-D:6 Application and Registration Fees. Every application for a certificate of registration shall be accompanied by an application fee of \$25, which shall in no event be refunded. Upon approval of the application by the director and upon further payment by the applicant of a registration fee of \$50, the applicant shall be issued a certificate of registration to be valid for one year. The annual fee for renewal of any certificate of registration shall be \$50. In case of loss, mutilation or destruction of a certificate of registration, the director shall issue a duplicate certificate upon proof of facts and payment of a fee of \$10.

Amend RSA 137-D:8, I (d) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(d) Has been guilty of fraud or fraudulent practices, or has used dishonest or misleading advertising, including but not limited to the prohibitions contained in RSA 137-D:14;

Amend RSA 137-D:10 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

137-D:10 Written Recommendation Required.

I. No hearing aid shall be rented or sold to any individual unless within the preceding 6 months the individual has been examined by an otolaryngologist, or a licensed physician, or an audiologist in conjunction with a licensed physician, and a signed, written statement has been made by such examiner which may or may not recommend the use of a hearing aid. This section does not apply to the replacement of parts or accessories of a damaged hearing aid, or to the replacement of a hearing aid for a competent adult.

II. If the individual has objections to consulting a physician based on religious convictions, he may be advised that he has the option of signing a waiver. It shall be unethical for a hearing aid dealer to encourage the waiving of medical examination.

Amend RSA 137-D:11 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

137-D:11 Disclosure to Customers.

I. No hearing aid dealer shall sell a hearing aid without presenting to the purchaser an itemized receipt, which shall include the following:



(a) The name and address and signature of the purchaser;

(b) The date of consummation of the sale;

(c) the name and the regular place of business of the hearing aid dealer, registration number and signature of registrant;

(d) The make, model, serial number and purchase price of the hearing aid and the terms of the warranty;

(e) An itemization of the total purchase price, including but not limited to the cost of the aid, earmold, and batteries and other accessories and any services;

(f) A statement as to whether the hearing aid is "new," "used" or "reconditioned";

(g) The complete terms of the sale, including a clear and precise statement of the 30-day money-back guarantee required under RSA 137-D:13;

(h) The name, address and telephone number of the consumer protection division, attorney general's office, with a statement that, complaints which arise with respect to the transaction may be submitted in writing to the consumer protection division, attorney general's office.

(i) The following statements in 10 point type or larger: 1) "This hearing aid will not restore normal hearing nor will it prevent further hearing loss," 2) "You have the right to cancel this purchase or rental for any reason within 30 days after receiving the hearing aid. (Your right is explained in this receipt.)"

II. No registrant shall engage in the business of selling hearing aids without keeping records of every customer to whom he renders services or sells a hearing aid, including a copy of the receipt as specified under paragraph I, a record of services provided, and any correspondence to or from the customer. These records shall be preserved for 7 years after the date of the transaction.

III. No registrant shall engage in the business of selling hearing aids without posting conspicuously in large print in his place or places of business and making available for inspection a retail price list showing all hearing aid models for sale.

Amend RSA 137-D:12 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

137-D:12 Unsolicited Home Sales Prohibited. No hearing aid dealer, or employee or agent thereof, shall canvass either in person or by telephone from house to house for the purpose of selling or renting a hearing aid without prior request from the prospective customer, relative or friend.

Amend RSA 137-D:15, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. Any violation of RSA 137-D:11 - 14 shall constitute an unfair and deceptive trade practice in violation of RSA chapter 358-A and may be enforced as provided therein.

Amend RSA 137-D:15, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. No certificate of registration shall be suspended or revoked until after a hearing, upon written notice mailed to the registrant by certified or registered mail, had before the director; provided, however, that where a notice of hearing is mailed to a registrant at the address shown in the records of the division and such registrant fails to attend such hearing, the director may suspend his registration without a hearing pending his attendance at such hearing. Upon the denial of an application for a certificate of registration, the director shall grant a hearing to an applicant therefor upon receipt of a request for such hearing made within 30 days after the applicant is notified of such denial. He shall have the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of such hearing. In the event a certificate of registration is revoked or suspended or an application is denied, no such certificate shall be issued to such former registrant or applicant for at least 6 months, nor thereafter, except in the discretion of the director. The applicant or registrant may be heard in person or by counsel. Such hearings shall be at such time and place as the director shall have the power to subpoena any person in this state, or document, record or other relevant evidence, and administer an oath to and take the testimony of any such person or cause his deposition to be taken.

Amend RSA 137-D:17 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

137-D:17 Certain Sales Restricted. No physician shall rent or sell, directly or indirectly, a hearing aid for profit.

Amend RSA 137-D as inserted by section 2 of the bill by inserting after section 3 the following new section and renumbering the original sections 4 - 21 to read as:

5, 6, 7, 8, 9, 10,  
11, 12, 13, 14, 15, 16,  
17, 18, 19, 20, 21 and 22  
respectively:

137-D:4 Advisory Council; Establishment, Duties. There is hereby established an advisory council to the director of the division of public health services on the sale and fitting of hearing aids, whose members shall be appointed by the commissioner of health and welfare with the approval of the governor and council. The governor shall designate one member of the advisory council as chairman. The members of the advisory council shall consist of: 2 hearing aid dealers; one member of the public having no relationship to hearing



aid dispensing; one otolaryngologist, who may not be a hearing aid dealer; and one audiologist, who may not be a hearing aid dealer. Each member of the advisory council shall serve a 3 year term, except that of the initial council, one hearing aid dealer and the otolaryngologist shall serve a 3 year term; one hearing aid dealer and the member of the public shall serve a 2 year term; and the audiologist shall serve a one year term. Members of the advisory council shall receive no per diem but shall be entitled to mileage when in the performance of duties required by this chapter. The advisory council shall advise the director of the division of public health services on general and specific policies involved in the sale and fitting of hearing aids.

Amendment adopted.

Rep. Sanders offered an amendment.

#### Amendment

Amend RSA 137-D:1, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. "Audiologist" means any person qualified by training and experience to specialize in the evaluation and rehabilitation of individuals whose communication disorders center in whole or in part in the hearing function.

Amend RSA 137-D:1, V as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

V. "Hearing aid dealer" means any person engaged in the selecting, fitting or otherwise dealing in hearing aids.

Amend RSA 137-D:1, X as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

X. "Written recommendation" means a written statement signed by a licensed physician, preferably one specializing in diseases of the ear, which states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing aid.

Amend RSA 37-D:5 as inserted by section 2 of the bill by inserting after paragraph I the following new paragraph and renumbering the original paragraphs II-VIII to read as follows:

III, IV, V, VI, VII, VIII, IX respectively.

II. Preparing and administering examinations for competency.

Amend RSA 137-D:6 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

137-D:6 Issuance of Certificate. Except as provided in RSA 137-D:9 the director shall issue a certificate of registration to any person who files an application for such certificate accompanied by the required application and registration fees within 30 days after the applicant passes his competency examination.

Amend RSA 137-D:9, I as inserted by section 2 of the bill by inserting after the introductory paragraph the following new subparagraph and relettering the original subparagraphs (a)-(h) to read as:

(b), (c), (d), (e), (f), (g), (h), (i) respectively:

(a) Has not successfully passed a competency examination as set up by the director and advisory council.

Amend RSA 137-D:11, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. No hearing aid shall be rented or sold to any individual unless within the preceding 6 months the individual has been examined by a licensed physician, preferably one who specializes in diseases of the ear, and a signed written statement has been made by such physician that the patient may be considered a candidate for a hearing aid.

Amend RSA 137-D:13 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

137-D:13 Unsolicited Home Sales Prohibited. No hearing aid dealer, or employee or agent thereof shall canvass in person.

Amend RSA 137-D:15, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. No hearing aid dealer, employee, or agent thereof shall represent that the services or advice of an individual licensed to practice medicine or of an individual certified as an audiologist will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids where that is not true.

The Assistant Clerk read the amendment.

Rep. Sanders spoke to her amendment.

Reps. Sara Townsend and Crory spoke against the amendment.

Rep. Bibbo moved that HB 419 be referred to Commerce and Consumer Affairs for interim study.

Reps. Parker, Eugene Daniell, Baker and Carswell spoke against the motion.

Motion lost.

Sanders amendment lost.

Referred to Appropriations.

HB 511, relative to regulation of refrigeration technicians. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

The Committee is of the opinion that there is a need for the public to be protected in this area. Vocational colleges have been recognized for the first time in this type of legislation.

#### Amendment

Amend RSA 331-C:5, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. No license shall be issued until the applicant has shown to the board, by sworn affidavit, that he has been actively engaged in the installation or servicing, or both, of actual installations of refrigerating systems or in vocational technical school for a period of not less than 5 years for class A applicants; 4 years for class B applicants; and 3 years for class C applicants. The applicant, in the sworn affidavit, shall state the refrigerants and sizes of refrigerating systems with which he has familiarized himself during any actual engagement or education in the installation or servicing, or both. Any person who shall furnish satisfactory proof to the board of having been engaged in the field of refrigeration in installing and servicing refrigerating equipment for not less than 5 years at the time this chapter becomes effective shall be granted a license without formal examination upon payment of the prescribed fee provided the application is made within 90 days after the said effective date. Notwithstanding any other provisions of RSA 331-C, any recipient of an associate degree in refrigeration shall, after successfully passing a field test, be awarded a class "C" license under RSA 331-C:6, III.

Amendment adopted.

Referred to Appropriations.

HB 519, relative to licensing hearing aid specialists. Inexpedient to Legislature. Rep. Lamy for Commerce and Consumer Affairs.

Intent covered in other legislation. Resolution adopted.

HB 577, licensing stationary steam engineers and boiler operators and making an appropriation therefor. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt this bill had merit, but needed more study.

Referred to Committee on Commerce and Consumer Affairs for interim study.

HB 586, to provide for the licensing and regulation of plumbers and making an appropriation therefor. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

If this bill becomes law the consumer would be assured he is hiring qualified people. It would help all classes of plumbers obtain quality work in this state and in other states

Amendment

Amend RSA 329-A:2, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. "Plumbing" means the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wastes. For purposes of

this chapter, however, the term "plumbing" shall not apply beyond the foundation wall of the building or one length of pipe from the building.

Amend RSA 329-A:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

329-A:3 Board; Appointments; Terms. A state board for the licensing and regulation of plumbers is hereby created. The board shall consist of 5 members, one of whom shall be the executive director of the New Hampshire water supply and pollution control commission or his designee. The other 4 members, 2 of whom shall be master plumbers, one of whom shall be a journeyman plumber and one of whom shall be a member of the public to represent the consumer, shall be appointed by the governor, with the advice and consent of the council, and each shall hold office for a term of 5 years and until his successor shall be appointed and qualified; provided that the original appointments shall be as follows: the consumer representative for a one year term, a journeyman plumber for a 3 year term, and 2 master plumbers for 2 and 4 year terms respectively. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any member of the board for good cause.

Amend RSA 329-A:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

329-A:6 Receipts and Disbursements. The secretary of the board shall receive and account at least monthly for all moneys derived under the provisions of this chapter, and shall pay the same to the state treasurer. The secretary of the board shall receive such salary as the board shall determine in addition to the expenses provided for in RSA 329-A:4. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures from this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter. Under no circumstances shall the total amount of payments made hereunder exceed the amount of the fees collected hereunder. Any balance in said account shall lapse at the end of each fiscal year.

Amend RSA 329-A:7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

329-A:7 Examinations; Licenses. The board shall have authority to examine and license master plumbers and journeyman plumbers. When issued, such license shall be valid throughout the state, and the licensee shall be entitled to perform the work of a master or journeyman plumber, as the case may be, anywhere within the state without any payment or additional fee. Each application for a license shall present to the secretary of the board on a blank furnished by the board a written

application for license, containing such information as the board may require, accompanied by the required fee. Such examinations shall be held at such times and places as the board shall determine. The scope of such examinations and the methods of procedure shall be prescribed by the board.

At the request of Rep. Marsh, Rep. Ward yielded to questions.  
Rep. Ward yielded to Rep. LaMott.  
Amendment adopted.  
Referred to Appropriations.

HB 594, relative to licensing real estate appraisers. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Lamy for Commerce and Consumer Affairs.

The sponsors of this bill realize that it needs additional research and asked to place it in interim study of the Commerce and Consumer Affairs Committee.  
Referred to Committee on Commerce and Consumer Affairs for Interim Study.

SB 27, revising the occupational regulations relating to barbering. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This bill revises provisions of RSA 313 relating to barbers professional regulation by changing license and certification fees, examination schedules, apprenticeship terms and renewal provisions of the existing law. This bill was requested by the board of barbers.  
Referred to Appropriations.

CACR 8, relating to the trial of crimes. Providing that district courts may try crimes in a county other than the county in which the crime is committed. Inexpedient to Legislate. Rep. Hess for Constitutional Revision.

Inasmuch as a similar constitutional amendment is already on the 1978 ballot, the Committee unanimously agreed that adding this constitutional amendment would be both confusing and unnecessary.  
Resolution adopted.

CACR 12, relating to the use of deadly force in defense of person and property. Providing that all men may use deadly force in protecting their person and their property. Inexpedient to Legislate. Rep. Joncas for Constitutional Revision.

The Committee unanimously felt that CACR 12 was inexpedient to legislate for two major reasons. The first being the fact that this question should be dealt with through statutory change, not through the proposed amendment to the Constitution. Article 2 of Part first of the Constitution assures that people may protect their property. Secondly, the way this CACR is drafted, the use of deadly force could be employed at any time and any

place which could cause serious injury or even death to individuals, who may be completely innocent.  
Resolution adopted.

HB 692, changing the age for transportation of pupils in public schools. Inexpedient to Legislate. Rep. Taffe for Education.

While the concept behind the bill has merit, HB 692 would substantially increase transportation costs for many districts. Under present statutes districts that choose to do so may provide transportation for pupils age fourteen and over.  
Resolution adopted.

HB 313, prescribing the manner of posting land and providing a penalty for trespassing on posted land. Inexpedient to Legislate. Rep. Scott for Fish and Game.

The Committee felt the penalties were too stiff and the bill itself was vague. Committee vote was 12 - 5.

Rep. Heald moved that HB 313 be recommitted to the Committee on Fish and Game and spoke to his motion.  
Adopted.

#### SUSPENSION OF RULES

Rep. Stimmell moved that the rules be so far suspended as to permit the House to consider a committee report after the deadline imposed by Rule 58, on HB 432, making an appropriation to continue the Coho Salmon program until fiscal 1980.

Adopted by the necessary two-thirds.

HB 432, making an appropriation to continue the Coho Salmon program until fiscal 1980. Ought to Pass. Rep. Stimmell for Fish and Game.

Unanimous vote to complete our contract between the Fish and Game Department and the federal government. Vote in Committee was 13 - 0.  
Referred to Appropriations.

HB 499, to provide that administration of medicines by certain persons does not constitute nursing. Majority: Inexpedient to Legislate. Rep. Wilson for Health and Welfare. Minority (Eugene S. Daniell): Ought to Pass.

Majority: This bill was voted inexpedient to legislate by the Committee as the intent was already being covered through the rules and regulations pertaining to Nurse Licensure and Education, New Hampshire Board of Nursing Education and Nurse Registration Program.  
Minority: This bill prohibits all but registered nurses from giving medicines. There are hundreds who have to do this in their homes. It would be easy for doctors who prescribe medicine to also specify it be administered by a nurse where necessary.



Rep. Eugene Daniell moved that HB 499 be made a Special Order for Thursday, April 14, and spoke to his motion.

Rep. Cotton spoke against the motion.

Rep. Blanchette spoke in favor of the motion.

Motion adopted.

HB 545, providing for the licensing of social workers on a trial basis and making an appropriation therefor. Majority: Ought to Pass with Amendment. Rep. Copenhaver for Health and Welfare. Minority (Rep. Eugene Daniell): Inexpedient to Legislate.

Majority: This bill requires the licensing of social workers on a trial basis, with a sunset provision. Vote in Committee was 12 - 3.

Minority: This bill has been defeated on two previous occasions. It is grossly unfair to social workers without college degrees. Ultimately it will cost the state more money for health services now being delivered. It is opposed by the workers of the Health and Welfare Department.

Rep. Eugene Daniell moved that the Minority report, Inexpedient to Legislate, be substituted for the Majority report, Ought to Pass with Amendment, and spoke to his motion.

(Rep. Marshall French in the Chair)

Reps. Nighswander, Blanchette, Rich and Cornelius spoke against the motion.

Rep. Lawton spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 139 NAYS 189

YEAS 139

BELKNAP: Lawton, Marsh and Sabbow.

CARROLL: Keller and Towle.

CHESHIRE: Fillback, Anne Gordon, Elmer Johnson, Ladd, Matson, Parker, Slack, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Huggins, Mabel Richardson, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Dearborn, Myrl Eaton, Gemmill, Mann, McAvoy, Neil McIver, Rounds, Snell, Taylor, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ainley, Aubut, Baker, Barrett, Bednar, Belanger, Bernier, Burke, Coburn, Mark Connolly, Crotty, William Desmarais, Arline Dion, Clyde Eaton, Gabrielle Gagnon, Granger, Sal Grasso, Heald, Daniel Healy, George Healy, Howard Humphrey, Karnis, Knight, LaPlante, Madigan, Marcoux, Martineau, McDonough, McLaughlin, Miller, Fred Murray, Kerry

O'Connor, Pelletier, Arnold Perkins, Podles, Polak, Quigley, Henry Richardson, Paul Riley, Harold Thomson, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Blakeney, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Richard Hanson, James Humphrey, LaBonte, Pratt, Ralph, Doris Riley, Stockman and Doris Thompson.

ROCKINGHAM: Akerman, Connors, Cummings, Robert Day, Erler, Felch, Beverly Gage, Kane, Kashulines, King, Joseph McEachern, Nelson, Norton, Parr, Rogers, Sanborn, Scamman, Schwaner, Stratton, Tavitian, Webster and Wolfson.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Joos, Lefavour, Maglaras, Maloomian, Nadeau, Preston, Ruel, Tripp and Voll.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, LeBrun, Lucas, Palmer, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 189

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Mansfield, James Murray, Nighswander and Kenneth Randall.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard and Kenneth MacDonald.

CHESHIRE: Chase, Close, Irvin Gordon, Krause, Lynch, Marshalla, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Terry Wiggin.

COOS: Bradley Haynes, Hunt, George Lemire, Oleson, Patenaude, Poulin, Theriault, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Hough, LaMott, Logan, Stomberg, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Albert Bellemore, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Brady, Carswell, Colson, Corser, Margaret Cote, Coutermarsh, Currier, Catherine-Ann Day, L. Penny Dion, Drewniak, Dupont, Joseph Eaton, Nancy Gagnon, Girolimon, Cort Hansen, Head, Thomas Hynes, Kaklamanos, Keefe, LaFleur, Levesque, Lyons, McGlynn, Morrison, Nardi, Nemzoff-Berman, Normand, O'Neil, Orcutt, Pappas, Paradis, Plomaritis, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallin, Geraldine Watson, Welch, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bodi, Carroll, Foley, Hess, Polly Johnson, McNichol, Mullin, Pelton, Plourde, Rice, Rich, Shepard, Tarr, Trachy, Ernest Valliere and Robert Watson.



ROCKINGHAM: Aeschliman, Aller, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Cotton, Cunningham, Cutliffe, Danforth, Davis, Dunfey, Flanagan, Carl Gage, Ganley, Gaskill, Gould, Greene, Hartford, Hoar, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Parolise, Pucci, Quimby, Richards, Rossley, Skinner, Alfreda Smith, Splaine, Stimmell, Vlack, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Donnelly, Bruce French, Charles Grassie, Hebert, Kelly, Kincaid, Lessard, Meader, Morrisette, Rod O'Connor, Osgood, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Torrey, Valley, Shirley White and Allen Wilson.

SULLIVAN: Ingram, Lewko and Tucker, and the motion lost.

#### Amendment

Amend RSA 331-C:3, II, III and IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. One member of the board shall be licensed as a social work specialist, one as a certified social worker and one as a social worker.

III. Two members shall be non-social workers appointed to represent the public.

IV. The professional members of the initial board shall be 3 persons who are eligible for licensing within the provisions of this chapter.

Amend RSA 331-C:7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 331-C:7 Licensing Requirements.

I. The board shall license for the practice of social work within this state:

(a) as a social worker, an applicant who has a bachelor's degree in social work, or a bachelor's degree in a program which is an equivalent thereof approved by the board, and has passed an examination approved by the board for the purpose.

(b) as a certified social worker, an applicant who has a master's degree or doctoral degree in social work from a graduate school or university approved by the board and has passed an examination approved by the board for the purpose.

(c) as a social work specialist, an applicant who fulfills the qualifications of a certified social worker and additionally has at least 2 years of supervised experience in a social work specialty.

II. Areas of social work specialty which shall be defined by the board are clinical or psychiatric social work, medical social work, community organization and other specialties as may be approved by the board. Professional academic training and appropriate supervised work experience shall be major criteria in the board's definition of a specialty. Only persons licensed as

social work specialists shall be qualified to engage in the independent practice of social work.

III. Upon the payment of a fee not to exceed \$20 for the social worker; \$30 for the certified social worker; and \$40 for the specialist social worker, the board shall issue to each successful applicant a license which shall be valid for a period of 2 years from the date of issue.

IV. Every person licensed under the provisions of this chapter shall be subject to a renewal fee not to exceed 50 percent of the initial license fee and each applicant will be expected to have completed continuing education requirements as specified by the board.

Amend RSA 331-C:8, I - III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. If within 2 years after the effective date of this chapter, an applicant applies for a license as a social worker or a certified social worker, specifying which of the foregoing is being applied for, such applicant shall be exempt from the requirement for an examination under RSA 331-C:6 if the applicant satisfies the board that the applicant is and has actually engaged in the practice for which the examination would otherwise be required.

II. If within 2 years after the effective date of this chapter, an applicant applies for a license as a social worker, or a certified social worker, specifying which of the foregoing is being applied for, such applicant shall be exempt from any academic qualifications required under RSA 331-C:7, if the board is satisfied that the applicant is, and has actually been engaged for at least 2 years in the practice for which the academic qualifications would otherwise be required.

III. The purpose of paragraphs I and II is to assure persons acting as social workers or certified social workers, before the effective date of this chapter shall be able to continue so to act and shall be appropriately licensed under this chapter without being required to meet educational or examination requirements specified under RSA 331-C:7. This chapter shall be interpreted by the board to effectuate that purpose.

Amend RSA 331-C:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 331-C:15 Privileged Communications.

No person licensed under this chapter may disclose any information he may have acquired from persons consulting him in his professional capacity which was necessary to enable him to render services in his professional capacity to those persons except: (a) to his employer; (b) in a criminal trial when the disclosure relates directly to the fact or immediate circumstances of the crime; (c) in any matter which is the subject of a hearing,

either civil or criminal, against the social worker for malpractice; or (d) with the written consent of the client, or in the case of his death or disability, of his personal representative or other person authorized to sue or of the beneficiary of an insurance policy on his life, health, or physical condition.

Amendment adopted.

Referred to Appropriations.

HB 599, creating a unified court system establishing a judiciary administrative office to administrate the unified court system, creating a single trial level of courts and making the district courts non-jury superior courts, and making an appropriation therefor. Refer to Judicial Council for Interim Study. Rep. Aller for Judiciary.

Committee believes that the complexity of this bill, which, if enacted, would greatly alter our current judicial system, requires that it undergo additional study. This action was recommended by several of the bill's proponents. Unanimous vote.

Referred to the Judicial Council for Interim Study.

HB 491, redefining the term "public employee" as used in the public labor relations law. Inexpedient to Legislate. Rep. Skinner for Labor, Human Resources and Rehabilitation.

The Committee felt that the intent of this bill was extremely limited in that it was specifically related to a situation existing in Nashua. The bill was meant to make a better distinction between management and labor, but the Committee concluded that the existing law and the New Hampshire Public Employees Labor Relations Board adequately handles this responsibility. Resolution adopted.

HB 639, to prohibit employers from including tips in determining minimum wage rates. Inexpedient to Legislate. Rep. Gould for Labor, Human Resources and Rehabilitation.

It was concluded by the Committee that this bill would put a severe financial strain on the resort business which is one of the largest industries in the state. As it stands now, the state follows the federal minimum wage guidelines and they have worked well. In testimony delivered to the Committee, persons receiving tips stated that they were better off under the present system and to be excluded from the "tip credit" practice would reduce their overall earnings. Resolution adopted.

HB 318, prohibiting certain conflicts of interest for members of the general court. Inexpedient to Legislate. Rep. Parr for Legislative Administration.

The Committee felt there was no express need for this bill at this time. It was further thought to be discriminatory. Vote was unanimous. Resolution adopted.

HB 427, revising the law relative to lobbyists. Ought to Pass with Amendment. Rep. Parr for Legislative Administration. The Committee felt that, with the amendment, this is a fair bill for the lobbyists. The vote was unanimous.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. The legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to any officials of the legislative branch their opinions on legislation and on current issues; and that, to preserve and maintain the integrity of the governmental decision-making process in the state, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to influence any member, officer or employee of the legislative branch on matters within their official jurisdictions, either by direct communication to such person, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed in a timely fashion.

2 Chapter Revised. Amend RSA 15 as amended by striking out said chapter and inserting in place thereof the following:

15:1 Definitions. In this chapter:

I. "Lobbyist" means any person who in a representative capacity and for consideration communicates with any member, officer or employee of the general court for the purpose of influencing any official action by such member, officer or employee. Any person who engages in lobbying activity which is incidental to his employment is considered a lobbyist under this chapter.

II. "Lobbying organization" means any organization which seeks to influence any official action by any member, officer or employee of the general court whether or not it employs a lobbyist.

15:2 Exceptions. The following are not considered lobbyists:

I. A person whose only lobbying activity is appearing before a legislative committee in open session.

II. A person whose only lobbying activity is communicating with his own state representative or state senator.

III. An elected or appointed official or employee of the United States government, state of New Hampshire or any other governmental body when acting solely in connection with matters relating to his official and public duties.

15:3 Registration.

I. Each lobbyist shall, prior to engaging in any lobbying activity, record with the secretary of state the following information:

(a) the full name and address of the lobbyist and of the person or organization he represents, and

(b) the period of time for which the lobbyist has been engaged and the manner of compensation, whether salary, fee for service, commission or other arrangement, and

(c) the official action sought to be influenced including the legislative services request (LSR), bill, resolution or rule numbers, if known.

II. Each lobbying organization shall, prior to engaging in any lobbying activity, record with the secretary of state the following information:

(a) the full name and mailing address of the organization, and

(b) the full names and addresses of the officers of the organization, and

(c) the full name and addresses of its lobbyists, if any, and

(d) the official action sought to be influenced including the legislative services request (LSR), bill, resolution or rule numbers, if known, and

(e) the number of members in the organization and the amount of money or other items of value that the organization plans to devote to lobbying activities, and

(f) the principal source of funds for the organization. If more than 10 percent of the organization's funds are derived from contributions from any one person, organization or activity, the name and address of such person or organization or a description of such activity, and the amount derived therefrom shall also be recorded.

III. Any change in information under this section shall be updated by the lobbyist or lobbying organization within 30 days after its occurrence.

IV. All registration reports that have been filed under this section shall be published in the calendars of the house and senate no later than January 15 of each odd-numbered year. Registration reports filed subsequent to the first publication and changes to any registration report shall be published monthly in the calendars of the house and senate.

15:4 Registration Fee. Any person or organization registering under RSA 15:3 shall annually pay a fee of \$25.

15:5 Reports, Filing.

I. Each lobbyist and each lobbying organization which does not employ a lobbyist shall record under oath with the secretary of state on March 1 of each year and bi-monthly thereafter, the following information with respect to lobbying activity during the preceding 2 months:

(a) the total amount of compensation and reimbursement, and

(b) names of and amounts paid to consultants, experts and other persons, except full-time permanent employees, engaged by the lobbyist or his employer or by the lobbying organization, and

(c) the amount spent on advertising, mailing and other informational efforts, and

(d) the amount spent on any member, officer or employee of the general court for food, refreshments, entertainment and lodging, and

(e) the amount spent on gifts, contributions and other things of value, and

(f) the name of any member, officer or employee of the general court for whose immediate benefit any amount in excess of \$50 was expended in (c), (d) and (e) above, and

(g) the appropriate legislative services request (LSR), bill, resolution or rule numbers for or against which they have lobbied.

II. The information recorded under this section and RSA 15:3 shall be available and open to public inspection during normal business hours.

III. The reporting requirements established by paragraph I of this section terminate when a lobbyist or lobbying organization records with the secretary of state a termination statement, certifying that the lobbyist or lobbying organization is no longer engaged in lobbying activity.

15:6 Penalty.

I. Whoever knowingly violates any provision of this chapter, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Any person may petition the superior court for an injunction to compel obedience to the provisions of this chapter. Such petition may be filed in the superior court for the county in which the defendant named therein resides, or, if such defendant is a nonresident, then in the superior court for any county in which the named defendant does business. In connection with any such petition for an injunction, it shall not be necessary to prove an adequate remedy at law does not exist. The court may award reasonable attorney's fees to the prevailing party.

III. Any person convicted under this section may be prohibited from any lobbying for a period of not more than 2 years following conviction.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Wilfrid Boisvert spoke to the committee report.

Referred to Appropriations.

HB 213, relative to reconsidering an action taken at a town meeting, village district meeting or school district meeting. Ought to Pass with Amendment. Rep. Bednar for Municipal and County Government.

After reconsideration of the original bill which would potentially require the moderator to take a count on every vote, the Committee has amended the bill to more specifically provide for a more orderly, equitable



reconsideration of actions taken at town, village district and school district meetings. The Committee feels the original intent of the bill to protect the majority vote, by eliminating last-minute reconsiderations before a reduced audience, is better effected by the bill as amended.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Town Meeting; Reconsideration of Vote. Amend RSA 40 by inserting after section 4-b the following new section:  
40:4-c Reconsideration.

I. No voice vote of a town meeting may be reconsidered on the same day of such meeting unless a motion to reconsider the vote is made and acted upon immediately after the vote in question.

II. No vote of a town meeting may be reconsidered at an adjourned or recessed session of such meeting except by a unanimous vote of those present and voting at the time of reconsideration.

III. No vote of a town meeting that has been taken by secret ballot pursuant to RSA 40:4-a or by division vote may be reconsidered unless there are an equal or greater number of qualified voters present at the time of reconsideration as there were originally voting on the question.

2 Village District; Reconsideration of Vote. Amend RSA 52 by inserting after section 15 the following new section:  
52:15-a Reconsideration.

I. No voice vote of a village district meeting may be reconsidered on same day of such meeting unless a motion to reconsider the vote is made and acted upon immediately after the vote in question.

II. No vote of a village district meeting may be reconsidered at an adjourned or recessed session of such meeting except by a unanimous vote of those present and voting at the time of reconsideration.

III. No vote of a village district meeting that has been taken by secret ballot pursuant to RSA 52:11-a or by division vote may be reconsidered unless there are an equal or greater number of qualified voters present at the time of reconsideration as there were originally voting on the question.

3 School District; Reconsideration of Vote. Amend RSA 197 by inserting after section 13 the following new section:  
197:13-a Reconsideration.

I. No voice vote of a school district meeting may be reconsidered on the same day of such meeting unless a motion to reconsider the vote is made and acted upon immediately after the vote in question.

II. No vote of a school district meeting may be reconsidered at an adjourned or recessed session of such meeting except by a unanimous vote of those present and voting at the time of reconsideration.

III. No vote of a school district meeting that has been taken by secret ballot or by division vote may be reconsidered unless there are an equal or greater number of qualified voters present at the time of reconsideration as there were originally voting on the question.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 357, permitting appropriations for nonprofit organizations operating day care centers. Inexpedient to Legislate. Rep. Bednar for Municipal and County Government.

The Committee feels this bill should be reported inexpedient as written. As currently written into the statutes, this provision to appropriate for day care would fall under the subsection applicable only to paupers.

Resolution adopted.

HB 645, relative to public hearings for enacting zoning ordinances and building codes. Ought to Pass. Rep. Packard for Municipal and County Government.

This bill would have eliminated the second hearing required for enactment of zoning ordinances. The Committee feels the second hearing is necessary for informational purposes as the public has a right to know what proposals and revisions they are voting on and are entitled to input on those proposals.

Rep. Richard Hanson moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, and spoke to his motion.

Resolution adopted.

HB 540, granting the fiscal committee of the general court certain authority over sweepstakes programs. Inexpedient to Legislate. Rep. Lawton for Regulated Revenues.

The Committee vote was unanimous (15-0). The members felt that the present system was working very well and that to change it, as this bill proposes, would jeopardize our sweepstakes program.

Resolution adopted.

HB 205, relative to claims for damages against motor transport companies. Ought to Pass with Amendment. Rep. James Murray for Transportation.

After much debate and research on the issue the Committee found that there is a large discrepancy between the time limit within which a person must pay a carrier of his goods delivered to said person (up to seven days), and the time limit within which a carrier must pay a person for damage done to the person's goods in transit (120 days). With HB 205 the Committee seeks to remedy this problem.



HB 205 requires payment of damage claims within thirty days and allows a carrier to pay damages of fifty dollars and under on the spot if he so desires. The Committee hopes this will aid people receiving damaged goods, as many now find it nearly impossible to collect their damage claims.

#### Amendment

Amend RSA 375-A:8-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

375-A:8-a Damage Claims. If a household goods carrier receives a bona fide damage claim from the owner or owners of property transported by such carrier and the damage to such property was caused by the household goods carrier, then such carrier may pay such claim, up to \$50, immediately and shall pay all other claims within 30 days after such carrier receives such claim.

Amend RSA 375-B:12-a as inserted by section 2 of the bill by striking out the same and inserting in place thereof the following:

375-B:12-a Damage Claims. If a motor carrier receives a bona fide damage claim from the owner or owners of property transported by such carrier and the damage to such property was caused by the motor carrier, then the motor carrier shall pay such claim within 30 days after such carrier receives such claim.

Amendment adopted.

Referred to Appropriations.

HB 336, including mopeds and tractors in the definition of "motor vehicle" for purposes of driving under the influence of liquor or drugs. Inexpedient to Legislate. Rep. Tavitian for Transportation.

The committee found after investigation of the motor vehicle code that the statutes already cover the driving of mopeds while "under the influence." Therefore they see no need for a new law in this section. Secondly, two New Hampshire town police chiefs and the ranking officer of the state police, Col. Doyon, could not recall ever seeing a "drunken" tractor driver. The combination of these two factors led the committee to vote heavily in favor of the motion, inexpedient to legislate.

Rep. Eugene Daniell moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Dearborn spoke in favor of the motion.

Rep. James Murray spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 96 NAYS 222

YEAS 96

BELKNAP: Gary Dionne.

CARROLL: Found and Towle.

CHESHIRE: Daniel Eaton, Elmer Johnson, Matson, Proctor, Terry and Terry Wiggin.

COOS: Wiswell and Neila Woodward.

GRAFTON: Cornelius, Crory, Dearborn, Gemmill, LaMott, Neil McIver, Stomberg, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Barrett, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Brack, Brody, Mark Connolly, Corser, Coughlin, Drewniak, Girolimon, Granger, Cort Hansen, Head, George Healy, Howard Humphrey, Thomas Hynes, Keefe, Martineau, McLaughlin, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Peters, Paul Riley, Simard, Edward Smith, Leonard Smith, Stahl, Stylianos, Welch and M. Arnold Wight.

MERRIMACK: Blakeney, Carroll, Eugene Daniell, James Humphrey, Polly Johnson, LaBonte, Pelton, Pratt, Rich and Trachy.

ROCKINGHAM: Appel, Carpenito, Cummings, Dunfee, Felch, Flanagan, Carl Gage, Gaskill, Gould, Hoar, Kane, Laycock, Donna McEachern, Joseph McEachern, Niebling, Rogers, Rossley, Sanborn, Schwaner, Alfreda Smith and Splaine.

STRAFFORD: Charles Grassie, Joos, Meader, Osgood, Dennis Ramsey, Ruel, Schreiber, Torrey and Tripp.

SULLIVAN: Barrus and Palmer.

NAYS 222

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Hildreth, Lawton, Mansfield, Marsh, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Howard and Kenneth MacDonald.

CHESHIRE: Chase, Close, Dostilio, Fillback, Galloway, Anne Gordon, Irvin Gordon, Krause, Ladd, Marshala, Moore, Parker, Margaret Ramsay, Russell, Scranton, Slack, Vrakatis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Duhaime, Myrl Eaton, Hough, Logan, Mann, McAvooy, Pepitone, Rounds and Snell.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Bednar, Belanger, Bernier, Bosse, Roland Boucher, Bridges, Burke, Carswell, Coburn, Colson, Joseph Cote, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Sal Grasso, Heald, Daniel Healy, Kaklamanos, Karnis, Lamy, Levesque, Lyons, Madigan, Marcoux, McDonough, McGlynn, Miller, Nardi, Orcutt, Pappas, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Henry Richardson, Seamans, Sing, Soucy, St. George, Francis Sullivan, Sweeney, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, John Cate, Milton Cate, Chandler, Foley, Hess, McNichol, Mullin, Plourde, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Connors, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Beverly Gage, Ganley, Goff, Greene, Hartford, Kashulines, King, Krasker, Lovejoy, Joseph McDonald, Maynard, Nelson, Norton, Parolise, Parr, Pucci, Quimby, Richards, Scamman, Skinner, Stimmell, Stratton, Tavitian, Vlack, Webster, Wojnowski, Wolfson and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Hebert, Joncas, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Morrisette, Nadeau, Rod O'Connor, Preston, Donald Smith, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Lucas, Scott, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Resolution adopted.

Rep. Dostilio wished to be recorded in favor of the Committee report.

HB 397, relative to automobile driving instruction. Inexpedient to Legislate.

Rep. James Murray for Transportation.

The heads of driver education in New Hampshire testified that they feared that people in the lower age bracket, 18 - 21, who would be allowed to teach under this bill would not have enough experience to teach driving. In addition to agreeing with this sentiment, the committee feels this bill's passage would only complicate and hinder a beneficial law. This bill would serve few and might endanger many.

Rep. Dennis Ramsey moved that the words, Ought to Pass with Amendment, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Erler, Morrison and Shepard spoke against the motion.

Reps. Maglaras, Paul Riley and Plourde spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 80 NAYS 259

YEAS 80

BELKNAP: Hildreth and Lawton.

CARROLL: Towle.

CHESHIRE: Daniel Eaton, Krause and Parker.

COOS: Patenaude and Poulin.

GRAFTON: Chambers, Copenhaver, Hough, Neil McIver and Michael Woodard.

HILLSBOROUGH: Ahern, Baker, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Bridges, Brody, Corser, Coutermarsh, Catherine-Ann Day, Girolimon, George Healy, McDonough, Normand, O'Neill, Paul Riley, Simard, Edward Smith, St. George, Sweeney and Welch.

MERRIMACK: Bibbo, Milton Cate, Pelton, Plourde, Pratt, Gerald Smith, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Appel, Carpenito, Connors, Cotton, Dunfey, Carl Gage, Goff, Gould, King, Krasker, O'Keefe, Quimby, Richards, Alfreda Smith, Splaine and Stratton.

STRAFFORD: Belhumeur, Burchell, Donnelly, Bruce French, Charles Grassie, Hebert, Kelly, Kincaid, Lessard, Maglaras, Morrisette, Nadeau, Rod O'Connor, Preston, Dennis Ramsey, Ruel, Tripp, Voll and Allen Wilson.

SULLIVAN: Brodeur and Lucas.

NAYS 259

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Mansfield, Marsh, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller and Kenneth MacDonald.

CHESHIRE: Chase, Close, Dostilio, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Ladd, Lynch, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatisis, Whipple and Terry Wiggins.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Aubut, Barrett, Bednar, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Burke, Carswell, Coburn, Colson, Mark Connolly, Joseph Cote, Coughlin, Crotty, Cullity, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Haynes, Kaklamanos, Karnis, Keefe, Knight, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Martineau, McOlynn, McLaughlin, Miller, Morrison, Nardi, Kerry O'Connor, Timothy O'Connor, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Henry Richardson, Seamans, Sing, Leonard Smith, Soucy, Stahl, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Carroll, John Cate, Chandler, Foley, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, McNichol, Mullin, Packard, Rice, Rich, Doris Riley, Shepard, Stockman and Trachy.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Collins, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Greene, Hartford, Hoar, Kane, Kashulines, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Tavitian, Vlack, Webster, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Canney, Walter Desmarais, Joncas, Joos, Lefavour, Maloomian, Meader, Osgood, Sackett, Schreiber, Torrey, Valley and Shirley White.

SULLIVAN: Barrus, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Resolution adopted.

HB 509, relative to installing motorist aid call boxes on the interstate highways and making an appropriation therefor. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee doesn't question the good intentions behind having a system of call boxes on our two major interstate highways, but feels there are serious problems with the bill.

First, the proposed system implements a button instead of a phone which would make all calls to our Department of Safety which would give the department no idea what the problem is of the person who is pushing the button or what help that person needs; secondly, these boxes would be useless during the winter months as if they are too close to the highway the snow plow gets them (as in Massachusetts) and if they are too far many people would not be able to climb a snowbank to reach them. Finally, a Department of Safety official reported to the Committee that the great number of citizen band radios on the highways have solved most of our emergency report problems.

For these reasons the Committee unanimously found this bill inexpedient to legislate. Resolution adopted.

HB 612, relative to free registration and issuance of special license plates for members of the New Hampshire national guard. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee feels there are many problems with this bill making it inexpedient to legislate. The Committee has already addressed HB 30, another request for special plates, that there are already in excess of 450 special legislative plates in this small state, the Committee feels that any more such plates will only tarnish New Hampshire's public image by overcrowding our highways with these. Also, the Committee strongly feels a grant for a "free" plate in these times of fiscal crisis would not be a good example of our legislative efforts at creating a stable economy. Resolution adopted.

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Claflin for Resources, Recreation and Development.

Should have integration with other licensing bills and procedures.

Rep. Hoar moved that the words, Ought to Pass, be substituted for the Committee report, Refer to the Committee on Resources, Recreation and Development, and spoke to his motion.

Reps. Dickinson, Claflin, Schwaner, Elmer Johnson and LaMott spoke in favor of the motion.

Rep. Sanborn spoke against the motion. Rep. Hoar yielded to questions.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 254 NAYS 98  
YEAS 254

BELKNAP: Beard, Bowler, Marshall French, Hildreth, Marsh, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson, Found, Howard, Keller and Towle.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Faucher, Fillback, Galloway, Irvin Gordon, Elmer Johnson, Ladd, Marshala, Matson, Moore, Proctor, Russell, Scranton, Terry, Vrakatisis, Whipple and Terry Wiggin.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Barrett, Bernier, Emile Boisvert, Wilfrid Boisvert, Roland Boucher, Brack, Brody, Burke, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Catherine-Ann Day, Arline Dion, L. Penny Dion, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Levesque, Madigan, McLaughlin, Miller, Fred Murray, Nardi, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Podles, Polak, Quigley, Henry Richardson, Paul Riley, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, St. George, Francis Sullivan, Harold Thomson, Van Loan, Wallin, Welch, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Blakeney, Chandler, Eugene Daniell, Foley, Hess, James Humphrey, Kidder, LaBonte, McNichol, Mullin, Packard, Pelton, Flourde, Pratt, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Barka, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Cotton, Cummings, Danforth, Davis, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gould, Greene, Hartford, Hoar, Kane, Krasker, Laycock, Joseph MacDonald, Donna McEachern, Niebling, O'Keefe, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Schwaner, Skinner, Alfreda Smith, Tavittian, Vlack, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Bruce French, Charles Grassie, Hebert, Joos, Kelly, Kincaid, Lessard, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Lewko, Lucas, Palmer, Spaulding, Sara Townsend and George Wiggins.

NAYS 98

BELKNAP: Ambrose, Gary Dionne, Lawton, Mansfield and Sabbow.

CARROLL: Raymond Conley and Kenneth MacDonald.

CHESHIRE: Anne Gordon, Krause, Lynch, Parker, Margaret Ramsay and Slack.

COOS: Burns, Huggins, Mabel Richardson and York.

GRAFTON: Aldrich, Clark, Myrl Eaton, Pepitone and Glynetta Thomson.

HILLSBOROUGH: Alter, Baker, Belanger, Albert Bellemore, Bosse, Bridges, Carswell, Coburn, Colson, Joseph Cote, Cullity, William Desmarais, Drewniak, Dupont, Gabrielle Gagnon, Sal Grasso, LaPlante, Armand Lemire, Lyons, Marcoux, Martineau, McDonough, McGlynn, Morrison, Timothy O'Connor, Paradis, Plomaritis, Sing, Stahl, Stylianos, Sweeney, Wallace and Geraldine Watson.

MERRIMACK: Bibbo, Bodi, Carroll, John Cate, Milton Cate, Richard Hanson, Polly Johnson and Trachy.

ROCKINGHAM: William Boucher, Connors, Cunningham, Cutcliffe, Robert Day, Dunfey, Felch, Goff, Kashulines, King, Lovejoy, Maynard, Joseph McEachern, Nelson, Norton, Sanborn, Scamman, Splaine, Stimmell, Stratton and Webster.

STRAFFORD: Walter Desmarais, Joncas, Lefavour, Maglaras, Maloomian and Voll.

SULLIVAN: Barrus, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Scott and Tucker, and the motion passed.

Substituted committee report adopted.  
Referred to Appropriations.

The Speaker called for the Special Order.

HOUSE RESOLUTION NO. 24  
creating an Interim Committee on  
occupational licensing and  
regulatory boards.

WHEREAS, there exists today a great  
deal of concern relative to the concept of  
occupational licensing and regulatory  
boards; and



WHEREAS, over 20 other states have recognized that serious problems exist with, and have taken affirmative action to correct, the composition of boards, the relationship between boards and their trade members and the need for increasing funding boards; and

WHEREAS, bills were presented in the 1977 Session of the General Court dealing with the creation of new boards, the adding of new members to existing boards and the expansion of the scope of authority of existing boards; and

WHEREAS, the House of Representatives adopted a resolution instructing the Speaker of the House to appoint a Special Committee on Licensing Practices and instructed that committee to report its findings and recommendations to the Speaker by April 1, 1977; and

WHEREAS, the Special Committee on Licensing Practices has recommended in its report that an Interim Committee be established; now, therefore, be it

RESOLVED by the House of Representatives;

That the House of Representatives instruct the Speaker of the House to appoint a seven-member Interim Committee on Occupational Licensing and Regulatory Boards to review the entire area of licensing procedures practiced in the state and all state agencies' relationships with individual boards as they relate to potential consolidation; and

That the Interim Committee shall have authority to subpoena witnesses subject to a majority vote of the entire committee and, in each case, with the approval of the Speaker of the House; and

That the Interim Committee on Occupational Licensing and Regulatory Boards shall file a report of its findings and recommendations with the Speaker of the House no later than June 1, 1978.

Rep. Bridges offered an amendment.

#### Amendment

Amend the title of the resolution by striking out same and inserting in place thereof the following:

establishing an interim committee on occupational licensing and regulatory boards.

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the house of representatives authorizes the speaker to appoint a 7-member interim committee on occupational licensing and regulatory boards to be composed of members of the committees on executive departments and administration, health and welfare, commerce and consumer affairs and appropriations. Such interim committee shall review the entire area of licensing procedures practiced in the state and all state agencies' relationships with individual boards as they relate to potential consolidation; and

That the passage of this resolution shall in no way be construed to interfere with the authority of the house's standing

committees under the rules of the house to deal with licensing bills filed in this session; and

That the Interim Committee on Occupational Licensing and Regulatory Boards shall file a report of its findings and recommendations with the Speaker of the House no later than June 1, 1978.

The Clerk read the amendment.

Rep. Bridges spoke in favor of his amendment.

Amendment adopted.

HR 24 adopted.

Rep. Tucker moved that Rule 32 (a) be amended as follows:

#### Amendment

Amend House Rule 32 (a), second paragraph by substituting May 19 for May 1 as the date before or on which the appropriations committee must submit a balanced budget.

Thank you, Mr. Speaker. I appear before the House this afternoon on behalf of the Appropriations Committee asking that the House amend Rule 32(a) by changing the date upon which/or before the Appropriations Committee must submit a balanced budget from the present House rule of May 1 to May 19.

The May 19th date is the date that would be consistent with the proposed joint rules, the date by which this House would have to pass a budget and all money bills to the Senate.

We could have simply asked that the first sentence be suspended and lived within the Joint Rule. However, as of this afternoon, the Joint Rules have not been adopted and, therefore, we are putting in the May 19th date.

Now, let me just briefly explain to you the reason why the Appropriations Committee is asking for the House to take this action this afternoon.

Last week I appeared before the House in support of a bill that the House determined in its wisdom that it could not support -- and by a rather large margin. As a result of the action of the House last week, what was a \$20,255,000 gap between the available revenue and the Governor's budget proposal, is now a gap of \$23,955,240 -- or, if you will -- simply stated, a \$24,000,000 gap. That is, in order to balance the Governor's budget as he proposed it, this House must generate \$24,000,000 of revenue.

Now, the Appropriations Committee was given last week two alternatives. I presented two alternatives to the Committee.

Alternative #1 was to meet the House Rule of submitting to you a balanced budget by May 1. On the basis of the revenue that is available to us, that would mean that the House Appropriations Committee would have to eliminate \$24,000,000 worth of programs from the Governor's budget. I proposed and the Committee rejected, on an 11 to 11 vote,

that we submit a budget in compliance with the House Rule by May 1 by accepting the estimate of revenue as presented to this House by the Ways and Means Committee, by accepting the Revenue Sharing funds that were available by including in the action of the House the other day, where you passed the multiple wagering bill, which would generate \$1,800,000 and we would accept the fact that the Supreme Court indicated that there is \$3.6 million available from the Highway Fund that this House has previously not used.

Taking that into consideration, we still needed to have \$20,225,000 worth of revenue generated by this House in order to have a balanced budget. That was impossible to do by May 1 because this House will not have completed its work in time for the Committee to do that.

Therefore, I proposed that we take available revenue and then reduce the budget in the following way:

First of all, increase revenue by 25 per cent increase of fees to state parks and that would have generated \$500,000.

I also recommended that we recover some additional money from the Highway Fund by a charge against the fund for the production of license plates by the State Prison to the tune of \$200,000. So, that was another \$700,000 in revenue.

At that point the proposal was to cut the following:

All new positions as follows:

The Superior Court justice that has been requested in the Governor's budget.

The custodial watchman for the Adjutant General that is in the Governor's budget.

A test technician for the Department of Personnel.

A dam controller II for the Water Resources Department, and

A clerk steno II for the Public Employee Labor Relations Board.

That would have generated, that is cutting out new positions requested by the Governor, \$168,000.

Then we proceeded to do the following:

Eliminate payments to agricultural fairs.

Eliminate payments to agricultural fair improvements.

Eliminate the Sire Stakes Program, and Eliminate meat inspection, and that would generate \$1,131,000.

Eliminate the Commission on the Status of Women.

Eliminate from the general fund Search and Rescue,

Eliminate state funds to the Port Authority.

Eliminate grants to airports.

Eliminate the Industrial Development Office.

Reduce all out-of-state travel for all agencies, by \$300,000 and maintain a minimal emergency fund.

Reduce all equipment requests by 50 percent generating \$1,675,000.

Eliminate the school volunteer program.

Having taken all of those actions, we would have generated \$4,000,000, or a total up to this point of a reduction of \$5,300,000 in services removed from the Governor's budget.

It was the determination of the House that the property tax was not to be touched. If programs affecting the local property tax were not to be touched as the House demonstrated last week, in terms of the Business Profits Tax, that left us with severe cuts in the area of education and so a 25.5 per cent reduction was made in the Governor's allocation for the University System, the Technical Institutes and Vocational Schools, the New Hampshire Incentive Aid Program, Veterinary Student grants and the Dartmouth Medical Student grants.

Those reductions generated \$14,857,000.

At that point, before the House acted last Thursday afternoon, at the point had the Appropriations committee adopted this proposal, we would have been able to submit a balanced budget to the House.

Even this proposal is now 3.7 million out of balance because of the action taken by the House on the Business Profits Tax.

It is the feeling of the Appropriations Committee that they do not want to operate in the dark. They do not want to have to make drastic cuts in the Governor's budget to this extent. They would prefer to be able to present to this House the best budget that we can present on the basis of the known revenue.

So we are asking that Rule 32(a) be amended to give the Appropriations Committee until May 19th -- that would be the deadline -- to present the budget.

If this is done, the House will have had an opportunity to act upon all revenue proposals from Regulated Revenues and from the House Ways and Means committee. We will also have had the opportunity of having a better reading on what the Business Profits Tax will produce after the first of May.

In doing this, the Appropriations Committee can then proceed to finalize the budget on the basis of what the revenue is, or what we know we have available.

Now, if the House refuses to amend the rule, the Appropriations Committee will have no other choice but to present to you in compliance with the Rule requiring a balanced budget a proposal that will reflect the revenue that is presently available -- and I say pretty much "presently available" as of this afternoon, because in order to have a budget in your hand on May 1, the work of the Committee would have to be completed prior to that, somewhere around April 24th, in order that the pure mechanics of the bill being printed and presented to this House can be accomplished.

Under this plan, approximately on May 11th or 12th, the Committee would wrap up its work, based upon the known revenue available; a bill would be printed; a copy would be supplied to each member of this House over the weekend; and then debate on the budget could take place on May 17th.

Following adoption of the budget, then House specials could be debated on May 18th and May 19th for final clearance in this House of all legislation into the Senate.

Mr. Speaker. I would urge that the House adopt this proposed amendment so the Appropriations Committee can bring something before this House as, perhaps as unappealing as it may be, it at least will not be a document developed in Disneyworld.

It will have some reality to it. At least the reality of what this House has done in terms of generating revenue.

I will be happy to answer any questions that any member of the House might have.

Rep. Marshall French moved that the remarks of Rep. Tucker be printed in the Journal.

Adopted.

Reps. Hildreth, Spirou, Chandler, Marshall French and Coutermarsh spoke in favor of the amendment.

Amendment unanimously adopted.

Rep. Marshall French moved that the Rules be amended by striking out House Rule 60 and substituting in place thereof the following:

60. The Speaker may designate any legislative day as a consent calendar day by giving two days printed notice in the House Record. Any member may request, on a consent calendar day, that any bill listed on consent calendar be removed from the consent calendar and placed in its proper place on the regular calendar for that same day. All matters remaining on the consent calendar shall be acted upon without debate.

Adopted by the necessary two-thirds.

#### VETO MESSAGE ON HB 252

The Hon. Secretary of State appeared and presented the Governor's veto message on HB 252, guaranteeing freedom of speech, right of criticism and disclosure for all state employees.

To the Honorable Members of the General Court.

I am returning herewith House Bill 252, together with my objections thereto as provided in Part 2, Article 44, of the New Hampshire Constitution.

We should not enact into law legislation obviously proposed for political embarrassment purposes. The bill is redundant, unnecessary, and that would be bad law.

Freedom of speech is adequately protected by our Constitution in Part I, Article 22 where it is clearly stated "that free speech and liberty of the press are essential to the security of freedom in a state: that it should therefore be inviolably preserved."

The diatribes of some of the sponsors of this political legislation are evidence in themselves that free speech is alive and well in New Hampshire.

This bill, if it becomes law, would give credence to spite legislation and would add nothing but confusion to state and federal laws as they apply to state elected and appointed officers and employees.

The United States Supreme Court and our own State Supreme Court have clearly set forth the balance that must be maintained between everyone's constitutional right to free speech and a state employee's duty to perform tasks that he has been assigned to accomplish.

Legislation that upsets that balance, which this bill clearly does, will also render ineffective, if not invalid, every single policy established by statute, executive order or regulation in this state whenever any employee, including a supervisor, department head or even the Governor wishes to voice and promote his contrary opinion and criticism.

Legitimate state policies and interests put into law by the elected representatives of the people, and policies, rules and regulations from the executive branch of government carrying out the statutory mandates, if this bill becomes law, could be frustrated under the guise of freedom of speech by an employee in state government who feels otherwise.

There are important technical questions with the bill as well. Does the expression "elected officer of the state" include the Speaker of the House or the President of the Senate? Does the expression "appointed officer of the state" include a Supreme Court justice or a Superior Court judge? Do we want to set up a system where all state officials are subject to criminal charges carrying a maximum sentence of one year in jail and a \$1,000 fine? Do we want to set up a system where we make these officials liable for the costly defense in terms of time and money against frivolous, possibly politically motivated suits under this statute?

The Constitution charges in Part II, Article 41, "The Governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right, by any officer, department or agency of the state."

This proposed statute might very well inhibit any action against any state employee who by speech, criticism or disclosure does not carry out lawful directives or impedes the carrying out of the lawful actions or policies of the state.

The United States Supreme Court has held that "the state has interests as an employer in regulating the speech of its employees that differ significantly from those it possesses in connection with regulation of the speech of the citizenry in general. The problem in any case is to arrive at a balance between the interests



of the employee, as a citizen, in commenting upon matters of public concern and the interests of the state as an employer, in promoting the efficiency of the public services it performs through its employees." (Bennett V. Thomson, 116 N.H. 453).

Our own Supreme Court has held that "The First Amendment rights of public employees enunciated in Pickering U. S. Supreme Court case does not prevent the government by statute from forbidding activities including speech which are hazardous to fair and effective government. Nor do First Amendment rights prevent the discharge of an employee who has made statements which seriously impair the effectiveness of his performance, and substantially impede the very task he was assigned to accomplish." (Bennett V. Thomson, 116 N. H. 453).

The effectiveness, even the validity of every policy established by statute, executive order or other lawful publication would be abrogated by any employee, supervisor or department head, or the Governor (all of whom are "state employees") who might wish to voice his contrary opinion and criticism.

The balance, as enunciated in these cases, no longer would exist if House Bill 252 were permitted to become law.

This bill, which has afforded its sponsors an opportunity to rent their criticism of the Governor, should not become law.

Sincerely,  
Meldrim Thomson, Jr.

Rep. Hess moved that the Governor's veto message be referred to the Committee on Constitutional Revision and spoke to her motion.

Reps. Eugene Daniell, Marshall French spoke in favor of the motion.

Rep. Barka requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 237 NAYS 117  
YEAS 237

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Found and Kenneth MacDonald.

CHESHIRE: Chase, Close, Daniel Eaton, Faucher, Galloway, Anne Gordon, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Whipple and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, Chambers, Copenhaver, Cornelius, Crory, Gemmill, Hough, LaMott, Mann, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Baker, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Joseph Eaton, Nancy Gagnon, Girolimon, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Haynes, Kaklamanos, Keefe, Lamy, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, McGlynn, McLaughlin, Morrison, Fred Murray, Nardi, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Paul Riley, Seamans, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Sweeney, Van Loan, Wallin, Geraldine Watson, Welch, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, John Cate, Milton Cate, Eugene Daniell, Foley, Richard Hanson, Hess, Kidder, LaBonte, McNichol, Mullin, Pelton, Plourde, Pratt, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Stockman, Tarr, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Benton, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Robert Day, Felch, Flanagan, Carl Gage, Ganley, Gaskill, Gould, Greene, Hartford, Kane, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Webster and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Jonas, Joos, Kelly, Lefavour, Lessard, Maloomian, Nadeau, Rod O'Connor, Osgood, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Lucas, Palmer, Spaulding, Sara Townsend and Tucker.

NAYS 117

BELKNAP Lawton, Marsh, James Murray and Sanders.

CARROLL: Dickinson, Howard, Keller and Towle.

CHESHIRE: Dostilio, Fillback, Elmer Johnson, Matson, Moore and Vrakatitsis.

COOS: Huggins, Mabel Richardson, Willey and York.



GRAFTON: Aldrich, Buckman, George Gate, Clark, Dearborn, Duhaime, Myrl Eaton, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Glyneta Thomson and Ward.

HILLSBOROUGH: Ainley, Alter, Barrett, Bednar, Belanger, Bernier, Burke, Coburn, Joseph Cote, Drewniak, Clyde Eaton, Gabrielle Gagnon, Granger, Sal Grasso, Daniel Healy, George Healy, Karnis, Knight, Marcoux, Martineau, McDonough, Miller, Timothy O'Connor, Paradis, Arnold Perkins, Podles, Polak, Quigley, Henry Richardson, Simard, Sing, Stylianos, Francis Sullivan, Harold Thomson and Wallace.

MERRIMACK: Bibbo, Carroll, Chandler, James Humphrey, Polly Johnson, Packard, Shepard, Doris Thompson and Robert Watson.

ROCKINGHAM: Barka, Bisbee, Blake, Cutliffe, Danforth, Davis, Dunfey, Erler, Beverly Gage, Goff, Hoar, Kashulines, King, Maynard, O'Keefe, Parolise, Scamman, Schwaner, Stratton, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Charles Grassie, Hebert, Kincaid, Maglaras, Meader, Morrisette, Preston, Dennis Ramsey and Tripp.

SULLIVAN: Barrus, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott and George Wiggins, and the motion was adopted.

#### ENROLLED BILLS REPORT

HB 329, relative to the tenure of the poet laureate of New Hampshire.

HB 259, establishing the ladybug as the state insect of New Hampshire.

HB 323, relative to loss of settlement for participation in local work programs.

HB 236, relative to the student trustee in the state university system.

HB 172, permitting tax collectors to use automatic or electronic data processing equipment in certain cases.

HB 166, relative to limited openings of smelt brooks to the handicapped.

HB 158, relative to the compensation of tax collectors.

HB 156, relative to the property tax list.

HB 104, providing for the disposal of certain fish, game, fur-bearing animals and marine species.

HB 119, authorizing the position of hearing officer in the department of education.

SB 63, relative to real estate tax lien for the elderly or disabled.

Rep. Webster Bridges  
For the Committee.

#### NOTICE OF RECONSIDERATION

Rep. Scamman served notice that today or some subsequent day as limited by the rules, he would ask the House to reconsider its action of concurring with the Senate amendment to HB 120, making supplemental appropriations to the board of engineers and the office of health, planning and development.

Rep. Marshall French moved that the House adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolution by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 14 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 441, relative to changing the season on otter, mink and muskrat.

HB 474, permitting persons awaiting trial in superior court to work in a jail or house of correction.

HB 649, relative to prostitution and related offenses.

HB 406, authorizing license and permit for restaurants in Landaff.

HB 213, relative to reconsidering an action taken at a town meeting, village district meeting or school district meeting.

#### SIX-DAY EXTENSIONS GRANTED

HB 472, relative to the regulation of small loans. (Commerce and Consumer Affairs)

HB 481, amending the charters of certain savings banks. (Commerce and Consumer Affairs)

HB 483, relative to investment laws for savings banks. (Commerce and Consumer Affairs)

HB 492, relative to Sunday business activities. (Commerce and Consumer Affairs)

SB 24, relative to the statutory definition of "farm, agriculture, farming." (Environment and Agriculture)

SB 58, relative to the rule-making powers of the weights and measures division of the department of agriculture. (Environment and Agriculture)

HB 498, relative to the state's burden of proof in recommittal hearings for the criminally insane. (Judiciary)

HB 487, providing for the recompilation of volume 3 of the Revised Statutes Annotated and making an appropriation therefor. (Legislative Administration)

HB 495, relative to a charge for checks returned to a city or town as uncollectible. (Municipal and County Government)

HB 497, relative to the distribution of dog license fees and making an appropriation therefor. (Municipal and County Government)

HB 470, providing for local option approval of the sport of jai alai under the direction and supervision of the state jai alai commission. (Regulated Revenues)

HB 480, to identify operators of motor vehicles convicted of driving under the influence of liquor or drugs. (Transportation)

HB 944, establishing a staggered registration system for motor vehicles and changing registration and municipal permit fees. (Transportation)

SB 20, providing that only persons less than 16 years of age be required to wear protective headgear while operating or riding on a motorcycle. (Transportation)

### THREE-DAY EXTENSIONS GRANTED

HB 355, regulating health maintenance organizations. (Commerce and Consumer Affairs)

HB 376, establishing special purpose licensing provisions under the electrician's codes. (Commerce and Consumer Affairs)

HB 366, requiring results of second reading votes be included as part of questions proposing constitutional amendments. (Constitutional Revision)

HB 300, permitting a patient to direct withdrawal of life-saving measures under certain circumstances. (Health and Welfare)

HB 314, improving procedures of the medical board for supervising medical practice and stabilizing medical liability claims. (Health and Welfare)

SB 67, increasing the daily salary of a special justice of the district and municipal court. (Judiciary)

HB 316, relative to the exemption period for subdivision plat approval. (Municipal and County Government)

HB 353, changing the town charter of Hanover to make sewer rentals the only method of payment for sewage disposal expense. (Municipal and County Government)

HB 385, annexing the unincorporated place of Livermore to the towns of Waterville Valley, Lincoln and Bethlehem. (Municipal and County Government)

HB 354, changing the deadline for submission of the budget for Coos county. (Municipal and County Government)

SB 8, providing for the cypress of cemetery trust funds. (Statutory Revision)

### RECONSIDERATIONS

Reps. Lawton, Skinner and Tavitian respectively moved that the House reconsider its action in killing HB 540, granting the fiscal committee of the general court certain authority over sweepstakes programs; HB 491, redefining the term "public employee" as used in the public labor relations law and HB 336, including mopeds and tractors in the definition of "motor vehicle" for purposes of driving under the influence of liquor or drugs.

Reconsideration lost.

Rep. Erler moved that the House reconsider its action in killing HB 397, relative to automobile driving instruction. Reconsideration lost.

361 members were recorded as present.

### RECESS

(Rep. Marshall French in the Chair)

Rep. Lyons offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 946 through 978 and House Bills of Intent numbered 2030 and 2031 and Concurrent Resolutions Proposing Constitutional Amendment numbered 16, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF BILLS

First, second reading and referral  
HB 946, relative to the membership of the joint committee on legislative facilities. (O'Connor of Strafford Dist. 18 - To Legislative Administration)

HB 947, relative to guaranty funds of building and loan associations. (Burns of Coos Dist. 4; Lamy of Hillsborough Dist. 35 - To Commerce and Consumer Affairs)

HB 948, providing for optional dates for the payment of real estate taxes. (Splaine of Rockingham Dist. 19; Connors of Rockingham Dist. 21; MacDonald of Rockingham Dist. 20; Rossley of Rockingham Dist. 23; Cotton of Rockingham Dist. 20; O'Keefe of Rockingham Dist. 21; Zabarsky of Rockingham Dist. 22; Krasker of Rockingham Dist. 22; McEachern of Rockingham Dist. 20; Aeschliman of Rockingham Dist. 18; Maynard of Rockingham Dist. 18; McEachern of Rockingham Dist. 23; Grassie of Strafford Dist. 12; Burchell of Strafford Dist. 12; Sen. Foley of Dist. 24 - To Municipal and County Government)

HB 949, authorizing arbitration in the resolution of public employee labor relations' disputes. (Hildreth of Belknap Dist. 6; Splaine of Rockingham Dist. 19 - To Labor, Human Resources and Rehabilitation)

HB 950, relative to defining service territories for electric utilities. (Mann of Grafton Dist. 6 - To Science and Technology)

HB 951, relative to the removal of absent town budget committee members. (Voll of Strafford Dist. 4 - To Municipal and County Government)

HB 952, providing certain optional telephone service to the customers of all telephone companies operating in New Hampshire. (Taffe of Grafton Dist. 5 - To Science and Technology)

HB 953, relative to the acceptance of roads by a city or town. (Gagnon of Hillsborough Dist. 13 - To Municipal and County Government)

HB 954, changing the time the supervisors of the checklist are required to be in session before any primary election. (Chase of Cheshire Dist. 15 - To Statutory Revision)

HB 955, relative to issuing a special events license and permits for nonprofit organizations. (Chase of Cheshire Dist. 15 - To Regulated Revenues)

HB 956, relative to the confidentiality of ages of parties in district and municipal court cases. (Allen of Carroll Dist. 5 - To Constitutional Revision)

HB 957, to ban plastic disposable containers. (Carpenito of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 958, limiting the powers of the board of trustees of the university system as they relate to tuition of in-state students. (Aldrich of Grafton Dist. 14; Buckman of Grafton Dist. 9 - To Education)

HB 959, providing for reclassification of certain crimes and modification of certain penalties in the criminal code and other amendments thereto. (Shepard of Merrimack Dist. 4 - To Judiciary)

HB 960, to annex all that part of the unincorporated township of Crawford's Purchase which is privately owned to the town of Carroll. (Burns of Coos Dist. 4; Richardson of Coos Dist. 4; Sen. Lamontagne of Dist. 1 - To Municipal and County Government)

HB 961, relative to the legitimization of children born out of wedlock. (Poulin of Coos Dist. 9 - To Constitutional Revision)

HB 962, relative to terminations of service by electric, gas and water utilities. (Cornelius of Grafton Dist. 13; Spiro of Hillsborough Dist. 27 - To Commerce and Consumer Affairs)

HB 963, relative to the handling of official legislative inquiries. (Carpenito of Rockingham Dist. 5 - To Executive Departments and Administration)

HB 964, relative to a motor vehicle franchisor's responsibilities for warranties. (French of Belknap Dist. 1 - To Transportation)

HB 965, relative to the administration of superior court finances and the appointment and compensation of its employees. (Carroll of Merrimack Dist. 19 - To Judiciary)

HB 966, requiring local approval for any major development in a town. (Blakeney of Merrimack Dist. 17 - To Municipal and County Government)

HB 967, relative to the procedure for setting tolls on the New Hampshire turnpike system. (Spiro of Hillsborough Dist. 27; Normand of Hillsborough Dist. 36 - To Public Works)

HB 968, eliminating the 5 year requirement for reassessment of property held by a municipality for water supply or flood control purposes. (Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Municipal and County Government)

HB 969, establishing a bureau of community living in the office of the director of the division of mental health. (Hildreth of Belknap Dist. 6; Rich of Merrimack Dist. 18, for Department of Health and Welfare - To Health and Welfare)

HB 970, providing for the withdrawal of the Greenland, New Castle, Newington and Rye school districts from Supervisory Union No. 52. (Griffin of Rockingham Dist. 19 - To Education)

HB 971, removing minor officials from the biennial ballot. (Wilson of Stafford Dist. 11; Hildreth of Belknap Dist. 6 - To Statutory Revision)

HB 972, establishing a standard workweek for firefighters. (Hildreth of Belknap Dist. 6 - To Labor, Human Resources and Rehabilitation)

HB 973, to permit water skiing on that portion of the Contoocook river from the Contoocook river dam westerly to the Concord/Hopkinton town line. (Stefanides of Merrimack Dist. 14 - To Resources, Recreation and Development)

HB 974, relative to the New Hampshire water supply and pollution control commission's participation in negotiations or contracts for engineering services related to sewage and other pollution control facilities. (French of Belknap Dist. 1 - To Resources, Recreation and Development)

HB 975, relative to mandatory installation of smoke detectors in structures for occupation built after 1978. (Stefanides of Merrimack Dist. 14 - To State Institutions)

HB 976, permitting banks in the city of Laconia to establish, maintain and operate public convenience facilities. (Hildreth of Belknap Dist. 6 - To Commerce and Consumer Affairs)

HB 977, authorizing school boards to release graduating high school seniors early. (Hildreth of Belknap Dist. 6 - To Education)

HB 978, requiring that any state owned property leased to private parties shall comply with local zoning ordinances. (Griffin of Rockingham Dist. 19; Maynard of Rockingham Dist. 18 - To Municipal and County Government)

CACR 16, Relating to: The Date the Secretary of State shall lay the votes for Governor before the Senate and House of Representatives. Providing that: The Secretary of State shall do so the first Wednesday following the first Tuesday in January. (Roberts of Belknap Dist. 4; French of Belknap Dist. 1; Griffin of Rockingham Dist. 19; Lyons of Hillsborough Dist. 13 - To Constitutional Revision)

HBI 2031, Relating to: requiring periodic inspection of certain metering devices located within mobile home parks. (Close of Cheshire Dist. 15 - To Commerce and Consumer Affairs)

HBI 2032, Relating to: the rights of foster children and the liability of the state therefor. (Sanders of Belknap Dist. 4 - To Health and Welfare)

#### SENATE MESSAGE

##### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 88, relative to workmen's compensation coverage for domestic and casual employees. (Labor, Human Resources and Rehabilitation)

SB 99, relative to supervision of bail bondsmen by the insurance commissioner. (Commerce and Consumer Affairs)

SB 84, authorizing limited police powers to title investigators, fire investigators and licensing officers of the department of safety. (Transportation)

Rep. Bridges moved that the House adjourn.

Adopted



# HOUSE JOURNAL 26

*Thursday, 14 Apr77*

(Rep. Marshall French in the Chair)

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Good afternoon Lord. Did I remember to thank You this morning for the gift of the beautiful day? Did I remember to tell You how grateful I am for the world that is alive, the immediate places that I have the privilege of serving and being served, my family and friends, my nation, state, community a voice? Forgive us Lord if we have neglected to be truly thankful persons, and guide us in the ways that will please You and serve Your purposes. Have a good day Lord - in and through us. Amen!

Rep. Pratt led the Pledge of Allegiance.  
LEAVES OF ABSENCE

Reps. Forsaith Daniels, Burrows, Anthony Randall, D'Amante, James J. White, Dupont, Morgan, Bellemore and Polly Johnson, the day, illness.

Rep. Nardi, the day, family illness.

Reps. Donna MacIvor, Lucas, Lachance, Belhumeur, Chapman and Miller, the day, important business.

## INTRODUCTION OF GUESTS

Ambassador Marshall Green and Donald Hart, U.S. State Department, guests of the House; Mr. and Mrs. Sebastian Polo, guests of Rep. Kenneth Smith.

Rep. Lyons offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 1000 and 1071 through 1075 and House Bill of Intent numbered 2039 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HBIs

First, second reading and referral

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979. (Rep. Tucker of Sullivan Dist. 4 - To Appropriations)

HB 1071, relative to the filling of vacancies in certain town offices. (Bednar of Hillsborough Dist. 14, for Department of Revenue Administration - To Municipal and County Government)

HB 1072, relative to the power of a county convention to appropriate money. (Perkins of Hillsborough Dist. 8; Bednar of Hillsborough Dist. 14; Whipple of Cheshire Dist. 4; Drewniak of Hillsborough Dist. 30; King, Rockingham Dist. 1 - To Municipal and County Government)

HB 1073, relative to the powers and findings of the zoning board of adjustment

and rehearsings before said board. (Bednar of Hillsborough Dist. 14 - To Municipal and County Government)

HB 1074, requiring planning board findings, conclusions and decisions to be prepared in written form. (Bednar of Hillsborough Dist. 14; Smith of Hillsborough Dist. 14; Faucher of Cheshire Dist. 3; Claflin of Carroll Dist. 4 - To Municipal and County Government)

HB 1075, relative to the acceptance of roads by towns. (Bednar of Hillsborough Dist. 14; Mann of Grafton Dist. 6; Wiggins of Sullivan Dist. 8; Pepitone of Grafton Dist. 3 - To Municipal and County Government)

HB 12039, Relating to: the state reimbursing any municipality for municipal services rendered to a state installation. (McIvor of Grafton Dist. 11 - To Municipal and County Government)

## SENATE MESSAGES CONCURRENCE

HB 377, relative to state aid for area vocational students.

HB 220, relative to state bridge and town bridge aid.

HB 319, providing for payment of a claim to David F. Carter and making an appropriation therefor.

HB 330, relating to the reclassification of certain highways in the town of Ossipee.

HB 362, authorizing the use of highway funds for the functional replacement of land and improvements required for highway purposes.

HB 338, relative to fiscal year taxpayers.

HB 71, to reclassify a certain highway in the city of Dover.

HB 25, relative to the maximum amounts of group life insurance for employees.

HB 375, relative to the merger of the American College of Life Underwriters with the American College.

HB 184, relative to the minimum insurance coverage required for aircraft operated for hire and relative to requirements for security deposits and self-insurer certificates.

HB 200, permitting a court to require a delinquent child to make restitution.

HB 141, clarifying the authority to maintain traffic control upon entering the state highway system.

HB 255, relative to the registration of aircraft or air carriers that are "home based" in New Hampshire.

## ENROLLED BILLS AMENDMENTS

HB 186, providing for seasons and bag limits on snowshoe hares and cottontail rabbits and defining small game. (Amendment printed in SJ 4/12)

This amendment is needed to amend the definition of fur-bearing animal to include "fox" in accordance with the directive of HB 13 (Chap. 12, 1977).

Adopted.

HB 238, relative to the investment powers of savings banks. (Amendment printed in SJ 4/12)



This amendment corrects an incorrect reference to "section" in the amending language, as only a paragraph of the section is amended. The amendment also strikes out the section number, catchline and introductory clause which were erroneously included as part of the paragraph being amended.

Adopted.

HB 137, requiring permission from the trap owner before a duly licensed trapper may tend another trapper's traps.  
(Amendment printed in SJ 4/12)

This amendment changes the article an to the to conform to the change directed in the amending language.

Adopted.

HB 307, allowing town selectmen to set the beano fee from \$1.00 to \$25.00.  
(Amendment printed in SJ 4/12)

This amendment is needed to conform the title to the substance of the bill.  
Adopted.

#### SENATE MESSAGE NONCONCURRENCE

HB 367, relative to filing requirements and late payment penalties of the business profits tax.

#### INTRODUCTION OF SENATE BILLS

First, Second reading and referral  
SB 31, relative to the form and use of walking disability identification on motor vehicle. (Transportation)

SB 114, authorizing the inclusion of dog races in sweepstakes and drawings conducted by the sweepstakes commission. (Regulated Revenues)

#### VACATE

Rep. Close moved that the House vacate the reference of HB 739, relative to control of explosives, to the committee on Executive Departments and Administration and re-refer said bill to the committee on Public Works.

Adopted.

A quorum count was requested.

The Speaker declared a quorum present.

#### THREE DAY EXTENSIONS GRANTED

HB 247, amending the charter of the city of Laconia relative to the police commission. (Municipal and County Government)

HB 155, relating to dogs at large and providing a penalty against the owner and further providing for local option if a municipality desires to be exempted. (Municipal and County Government)

HB 208, relative to public hearings on variances of zoning regulations. (Municipal and County Government)

HB 209, relative to the procedures of the board of adjustment and the planning boards. (Municipal and County Government)

HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles. (Transportation)

HB 229, amending certain provisions of the statutes relative to OHRVs (Transportation)

HB 396, relative to advertising by public utilities. (Commerce and Consumer Affairs)

HB 240, exempting certain towns from the prohibition against burning refuse in an open pit. (Environment and Agriculture)

HB 197, exempting certain towns from the prohibition against burning refuse in an open pit. (Environment and Agriculture)

HB 239, providing for local designation of certain specified resource areas as critical and locally regulating land use therein. (Environment and Agriculture)

HB 387, establishing the police standards and training council training fund to consist of penalty assessments imposed in certain criminal cases. (Judiciary)

#### SIX DAY EXTENSIONS GRANTED

HB 398, imposing fines on zoning violators.

HB 566, establishing a training program in the department of revenue administration for local officials having fiscal responsibilities and making an appropriation therefor.

HB 572, relative to the custody of moneys raised for or received by various agencies of municipal government and the timely deposit of funds paid to town treasurer.

HB 578, requiring certificates of competency, permits and bonds of explosive blasters and fireworks operators.

HB 485, providing a fair and equitable means of taxing certain boats and collecting the tax revenue for the cities and towns.

HB 522, increasing the fee for initial number plates from \$5 to \$10.

HB 516, authorizing the operation of remote control amusement machines in this state.

HB 547, establishing a state gaming commission and authorizing the establishment of state operated casinos and state controlled slot machine gambling.

HB 556, authorizing certain stores to sell table wine.

HB 576, permitting the establishment of a state gambling casino and making an appropriation therefor.

SB 73, permitting members of the N. H. Fair association to hold on-sale permits.

SB 26, authorizing state employees' participation in the present incentive award program for selling sweepstakes tickets.

HB 593, permitting a licensee or a holder of an "on sale" permit to sell at another location under certain conditions.

HB 537, relative to licensing pet shops and certain animal shelters.

HB 564, relating to hospital, medical and non-profit health service corporations.

HB 581, relating to the payment of costs of examinations of insurance companies.

HB 268, requiring public utilities commissioners to serve in a full-time capacity.

HB 539, relative to the disclosure of potential conflict of interest by public servants, establishing a state ethics commission and making an appropriation therefor.

HB 551, relating to strengthening the powers of the collection division of the department of revenue administration.

HB 567, relative to the New Hampshire retirement system cost of living increases

HB 587, relating to the state health planning and development agency.

HB 542, relative to a state-wide mandatory solid waste recycling program and making an appropriation therefor.

HB 533, relating to certificate of need.

HB 561, relative to licensing psychologists and regulating the practice of psychology.

HB 235, to permit stolen and other property to be restored to rightful owners in advance of trial.

The Speaker called for the Special Order.

HB 499, to provide that administration of medicines by certain persons does not constitute nursing. Majority: Inexpedient to Legislate. Rep. Wilson for Health and Welfare. Minority (Eugene S. Daniell): Ought to Pass.

Majority: This bill was voted inexpedient to legislate by the Committee as the intent was already being covered through the rules and regulations pertaining to Nurse Licensure and Education, New Hampshire Board of Nursing Education and Nurse Registration Program.

Minority: This bill prohibits all but registered nurses from giving medicines. There are hundreds who have to do this in their homes. It would be easy for doctors who prescribe medicine to also specify it be administered by a nurse where necessary.

Rep. Nighswander moved that HB 499 be laid upon the table.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

Rep. Lyons moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 637, 716, 393, 554, 424, 341, 379, 391, 414 and 738, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 286, 671, SBs 41 and 68, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HBs 722, 303, 306 and 459, and further moved that the House adopt the committee recommendation of Refer to Interim Study committees by the appropriate standing committees on HBs 443, 607 and 557.

Adopted.

HB 637, relative to the bank commissioner being authorized to issue regulations for credit unions. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee did not feel that so much authority should be vested with one man. The Committee vote was unanimous.

HB 716, relative to the basis for apportionment of the supervisory union budget. Inexpedient to Legislate. Rep. William Boucher for Education.

Sponsor wished to withdraw this bill.

HB 393, relative to the penalty for throwing litter from any motor vehicle, boat or airplane. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

Since the bill mandates the penalty to be handed out, and since the bill would do little more than current legislation to decrease littering, the Committee feels that it is "inexpedient to legislate."

HB 554, creating a model litter control act and making an appropriation therefor. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

The bill had little support, was opposed as a tax which would be passed onto the consumer and would do little to lessen litter.

HB 424, changing the title of the fish and game department to the department of fish and wildlife and effecting a similar change for the fish and game commission. Inexpedient to Legislate. Rep. Stimmell for Fish and Game.

The Committee felt there was not enough Fish and Game personnel to properly enforce this bill. Committee vote was 13-1.

HB 341, relative to the duties of the director, division of forests and lands and providing for access to land by employees of this division. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

Inexpedient as subject matter is fully and better handled in SB 82 now before the Committee.

HB 379, regulating recreational campgrounds. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

The pertinent material may be better handled through HB 677.

HB 391, empowering the water resources board to acquire wetlands and establishing a special committee. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

Unnecessary and costly; could jeopardize state's present wetlands protection program. Vote was 16-0.

HB 414, relative to the discharge of effluents from boats. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

The Committee felt that mere inconvenience is inadequate reason to downgrade our water pollution laws. Vote was 12-0.

HB 738, establishing a New Hampshire folklife center in the state library. Inexpedient to Legislate. Rep. Granger for State Institutions.

The Committee felt that this is a project that should be set up as a private association or handled by educational institutions rather than by the state. The Library has neither the space nor adequate funding to handle this project. They would be better off to rely on private funding rather than on doubtful state funding. Vote was 11-0.

HB 286, increasing the number of fish and game commissioners from 10 to 11 by providing for 2 commissioners from Rockingham county. Ought to Pass. Rep. Felch for Fish and Game.

The Committee vote was 14-2, ought to pass. The Committee felt that an extra commissioner with knowledge of the seacoast was long overdue.

HB 671, relative to contracts between the state and the 4-H Foundation of New Hampshire, Incorporated concerning facilities at Bear Brook state park. Ought to Pass. Rep. Dickinson for Resources, Recreation and Development.

This bill allows contracts of more than five years to be written between the state and the 4-H Foundation at Bear Brook State Park. Will justify the large capital investment planned by the foundation.

SB 41, relative to the deposit of state funds in approved banks. Ought to Pass. Rep. Sara Townsend for Executive Departments and Administration.

The bill makes three technical changes in RSA 6:7. There were no objections and the Committee vote was unanimous.

SB 68, relative to notice filing in registries of deeds to show power of trustee to convey real estate. Ought to Pass. Rep. Fillback for Municipal and County Government.

This bill is primarily a housekeeping measure designed to facilitate the conveyance of realty by trustees by enabling the trustee to record his power to sell. The recorded power would serve to prove the trustee's legal authority to sell to all interested third parties.

HB 722, relative to custody of school district reserves. Ought to Pass with Amendment. Rep. Beard for Education.

This clarifies and approves the present practice of the Keene School District regarding the administration of trust funds. The vote in Committee was 19-0.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

amending the charter of the Union school district of Keene to provide that the trustee of trust funds be appointed by the school board.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Election of Trustees. Amend 1967, 566:2, as amended by 1971, 186:1 by inserting in line 2 after the word "treasurer" the words (and 3 trustees of trust funds) so that said section as amended shall read as follows:

566:2 Elections. After the effective date of this act, the district shall elect its district officers, except the treasurer and 3 trustees of trust funds, annually at the regular municipal election for the city of Keene held in November in odd numbered years and at the regular biennial election held in said city in November in even numbered years. The election officials for said city shall conduct the election for school district officers under the same provisions that govern the election of city officials. All members of the school board shall be elected at large.

2 Trustee of Trust Funds. Amend 1967, 566 as amended by 1971, 186:2 by inserting after section 2-a the following new section:

566:2-b Trustees of Trust Funds; Appointment and Terms. The trustees of trust funds shall be appointed by the school board and may be removed by them for cause. The initial appointments pursuant to this section shall be for a term commencing the first day of July, 1978 with one trustee being elected by the school board for a term of 3 years, one for a term of 2 years, and one for a term of one year and thereafter one trustee shall be elected by the school board for a term of 3 years. Vacancies shall be filled by appointment of the board for the unexpired term. Whenever any capital reserve for said district is established the same shall be held in custody by the trustees of trust funds and whenever a gift, legacy or devise shall be made in trust to said district and accepted by it, the same shall be held in custody and administered by the trustees of trust funds for the district all in accordance to the same laws as governs trustees of trust funds for towns.

3 Referendum. The clerk of the union school district of Keene shall prepare referendum ballots for use by the voters at the municipal election of the city of Keene to be held in November, 1977, upon which shall be printed the question: "Shall the provisions of an act



entitled 'An Act amending the charter of the union school district of Keene to provide that the trustees of trust funds be appointed by the school board' enacted by the 1977 session of the legislature be adopted?' Beneath this question shall be printed the word "yes" and the word "no" with a square immediately opposite each such word in which the voter may indicate his choice. Said ballot shall be delivered by the district clerk to the city clerk of the city of Keene, who shall deliver the same to the elected officials in the several wards at the same time that ballots for the election of city officials at said election are delivered. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted. Ballots cast on said question shall be counted and the results announced by the city election officials in a manner prescribed in RSA 59:69. Ward moderators shall forthwith certify the results of said vote in their respective wards to the district clerk; and the district clerk shall within 10 days after said election certify to the secretary of state the result of the vote of said question.

4 Effective Date. Section 3 of this act shall take effect upon its passage and if the act is adopted as provided in said section, the remainder of the act shall take effect as provided therein.

HB 303, relative to the conversion of certain class VI highways to footpaths or trails. Ought to Pass with Amendment. Rep. Claflin for Resources, Recreation and Development.

Preserves possible recreational parks and footpaths for recreation and conservation purposes.

#### Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4. Footpath or Trail Subject to Gates or Bars. Amend RSA 238:2 (supp) as amended by striking out said section and inserting in place thereof the following:

238:2 Subject to Gates and Bars. Any class IV, V or VI highway, or any portion thereof, may be discontinued as an open highway and made subject to gates and bars or may be discontinued as an open highway, made subject to gates and bars and designated as a footpath or trail, by vote of the town. Such a discontinued highway shall not have the status of a publicly approved street. When a highway is discontinued subject to gates and bars and designated as a footpath or trail, the selectmen shall continue the right of way at the same width as before although the travel width may be reduced. The selectmen or any agency designated by the selectmen shall designate the appropriate use for any discontinued highway made subject to gates and bars and designated as a footpath or trail.

HB 306, requiring that any person submitting an application and plans for construction approval by the water supply and pollution control commission certify that he has met all pertinent requirements. Ought to Pass with Amendment. Rep. Dickinson for Resources, Recreation and Development.

The bill, as amended, requires that any person submitting an application and plans for construction of septic systems must certify that he has met all local government requirements.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Local Requirements Complied With. Amend RSA 149-E:3 by inserting after paragraph III the following new paragraph:

III-a. Any person submitting an application and plans for construction approval shall also certify in writing that he has complied with all local government requirements as relate to water supply and sewage disposal which must be complied with prior to application to the water supply and pollution control commission; and, at the same time, a copy of the certification shall be sent to the board of selectmen of the town or the city council of the city.

HB 459, relative to septic tank information for property buyers. Ought to Pass with Amendment. Rep. Claflin for Resources, Recreation and Development.

The bill requires the seller of lots or tracts on which there exists a sewage or waste disposal system to provide the buyer a copy of any plans and specifications approved by the Water Supply and Pollution Control Commission. Vote was 12-1.

#### Amendment

Amend RSA 149-E:3, I-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I-a. A copy of the approved plans and specifications of each sewage or waste disposal system constructed after the passage of this act, shall be delivered to the purchaser by the seller of each respective lot or tract on which a sewage or waste disposal system exists. Any nonconformance between said plans and actual construction will subject the person who constructed such sewage or waste disposal system to liability for any damages sustained by the buyer as a result of such nonconformance. The commission shall develop and approve an outline of brief instructions for the periodic maintenance, care and proper usage of waste disposal systems, including a warning of the potential public health hazard and pollution of public and private water supplies and surface waters of the state from improperly maintained sewage and waste disposal systems. Any person receiving a copy of plans and instructions



pursuant to this paragraph shall also be responsible for delivering a copy of the same to any person who purchases said lot or tract from him.

HB 443, relative to the liability of the attorney general and treasurer on debt claims against the state. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Close for Executive Departments and Administration.

The problem of indemnification of the Attorney General and Treasurer, and all state employees for that matter, is extremely complicated. Interim study is appropriate for this type of problem. Unanimous vote.

HB 607, establishing a study committee to investigate the feasibility of separating the state retirement systems from the amount of social security received and making an appropriation therefor. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Roderick O'Connor for Executive Departments and Administration.

Committee feels the resources to do the study exist with the Retirement System Board of Trustees and the Legislative Budget Assistant's Office, working with Executive Departments and Administration.

HB 557, providing for the regulation of water treatment plant operators and water distribution system personnel. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Clafin for Resources, Recreation and Development.

Bill has merit. It is, however, full of complexities and one apparent contradiction. Impact on small towns is questionable. Vote was 16-0.

#### COMMITTEE REPORTS (Regular Calendar)

HB 464, relative to the loaning authority of cooperative banks, building and loan associations and savings and loan associations. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This bill updates the mortgage lending authority of cooperative banks. The Committee vote was unanimous. Ordered to third reading.

HB 227, relative to procedures for appointment and removal of the deputy commissioner of safety. Ought to Pass with Amendment. Rep. Close for Executive Departments and Administration.

The bill, as amended, is a reasonable compromise between those people involved. The Deputy commissioner can direct and supervise any division except the State Police. The deputy has the power to control expenditures of all divisions for budget control, and, in the absence of the commissioner, still assume executive direction of the Department of Safety.

#### Amendment

Amend RSA 106-A:2-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

106-A:2-c Deputy Commissioner of Safety. Subject to the approval of the governor and council, the commissioner of safety shall appoint a deputy commissioner of safety, who shall serve as liaison officer between the commissioner and the director of the various divisions and shall perform such other duties as may be assigned to him by the commissioner, which shall include, but not be limited to, the authority and power, with the approval of the commissioner, to direct and supervise the operation and administration of any division of the department except the division of state police. The said deputy commissioner shall have authority to control expenditures of all divisions as necessary for budget control and, in the absence of the commissioner, shall assume executive direction of the department of safety. The said deputy commissioner shall be specially qualified by previous training and experience to perform all the duties assigned to him, and may be removed for cause by the commissioner. The annual salary of the deputy commissioner shall be that prescribed in RSA 94:1-4.

Amendment adopted.

Ordered to third reading.

HB 458, making county jail and house of correction employees members of group II of the New Hampshire retirement system. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Sara Townsend for Executive Departments and Administration.

The Committee felt that the whole area of group II (early retirement) needed study and although the county jailers appear qualified, the counties would be paying for this and ought to have a chance to look at the matter. This bill provides a vehicle for study of group II part of the retirement system. Refer to the Committee on Executive Departments and Administration for Interim Study..

HB 646, to provide for the protection of endangered or threatened species of wild plants and nongame wildlife. Inexpedient to Legislate. Rep. Stimmell for Fish and Game.

The Committee felt the whole bill was too vague and almost impossible to enforce. The vote was 10-5.

Rep. Blakeney moved that HB 646 be referred to the committee on Fish and Game for Interim Study, and spoke to his motion.

Reps. Pratt, George Wiggins, Felch and Stimmell spoke against the motion.

Reps. Sabbow, Theriault and Wiswell spoke in favor of the motion.

Rep. Griffin moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Resolution adopted.

HB 276, to transfer certain costs of the superior court from the counties to the state, and making an appropriation therefor. Majority: Inexpedient to Legislate; Rep. Currier for Judiciary. Minority (Rep. Richard Poulin): Ought to Pass.

Majority: This court revision bill deals only with the superior court. Given the revenue crisis facing New Hampshire, this did not appear to be time to place the financial burden on the state. In addition, other legislation will deal with court reform in a broader sense. For these reasons, the Committee recommends inexpedient to legislate.

Minority: The superior courts are essentially state controlled and their expenditures cannot be predicted as the courts, not the counties, dictate these.

Because the counties have negligible fiscal or other control of the courts the state should assume responsibility for the costs. The state and its diverse revenue sources would provide some relief to the only source of county revenue - the property owners.

Rep. Poulin moved that the Minority report, Ought to Pass be substituted for the Committee report, Inexpedient to Legislate and spoke to his motion.

Reps. Maynard, Griffin, Buckman and Coutermarsh spoke in favor of the motion.

Rep. Aller spoke against the motion. Motion adopted.

Referred to Appropriations.

HB 382, relative to the jurisdiction of district courts in criminal matters. Ought to Pass. Rep. Mansfield for Judiciary.

The majority of the committee feels this would correct the problem in the existing law.

At the request of Rep. Barka, Rep. Arthur Perkins answered questions. Ordered to third reading.

HB 449, excluding a person from a penalty who is present or in the company of a person with a cannabis-type controlled drug. Inexpedient to Legislate. Rep. Daniel Healy for Judiciary.

Majority of the Committee feels that passage of the bill would weaken the enforcement of the statutes on controlled drugs and that the will of

the House has already indicated that it is of the opinion the enforcement agencies should not be so handicapped.

Rep. Poulin moved that the words, Ought to Pass be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Healy, Dearborn and Ayles spoke against the motion.

Rep. Arthur Perkins moved the previous question. Sufficiently seconded. Adopted.

Rep. Doris Riley requested a roll call. Sufficiently seconded.

(Rep. Marshall French presiding)

YEAS 139 NAYS 212

YEAS 139

BELKNAP: Ambrose, Bowler, Gary Dionne, Goyette, Michael Hanson, Hildreth, Nighswander and Sanders.

CARROLL: Claflin and Dickinson.

CHESHIRE: Close, Dostilio, Daniel Eaton, Krause, Ladd, Lynch, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatisis and Terry Wiggan.

COOS: Bradley Haynes, Oleson, Patenaude, Poulin and Neila Woodward.

GRAFTON: Aldrich, Chambers, Copenhaver, Cornelius, Crory, Hough, Neil McIver, Stomberg and Taylor.

HILLSBOROUGH: Arnold, Bernier, Wilfrid Boisvert, Brack, Brody, Colson, Corser, Margaret Cote, Coutermarsh, Catherine-Ann Day, L. Penny Dion, Joseph Eaton, Nancy Gagnon, Gelinas, Girolimon, Cort Hansen, Head, Kaklamanos, LaFleur, Martin, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Seamans, Edward Smith, Leonard Smith, St. George, Stahl, Kevin Sullivan, Van Loan, Wallin and M. Arnold Wight.

MERRIMACK: Blakeney, Carroll, Eugene Daniell, Foley, Hess, Kidder, McLane, McNichol, Pelton, Arthur Perkins, Plourde, Tarr, Doris Thompson, Trachy, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blanchette, Carpenito, Collins, Cotton, Dunfee, Flanagan, Carl Gage, Canley, Gould, Greene, Grieco, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Pucci, Richards, Rossley, Alfreda Smith, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Kelly, Lessard, Morrisette, Rod O'Connor, Dennis Ramsey, Sackett, Schreiber, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Frizzell and Sara Townsend.

NAYS 212

BELKNAP: Beard, Mansfield, Marsh, Morin, James Murray and Sabbow.

CARROLL: Roderick Allen, Raymond Conley, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Marshala, Matson, Moore and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Huggins, Keough, George Lemire, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Barrett, Bednar, Belanger, Emile Boisvert, Bosse, Roland Boucher, Bridges, Burke, Carswell, Coburn, Mark Connolly, Joseph Cote, Coughlin, Cullity, William Desmarais, Drewniak, Clyde Eaton, Gabrielle Gagnon, Granger, Sal Grasso, Heald, Daniel Healy, Howard Humphrey, Karnis, Keefe, Knight, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, McGlynn, McLaughlin, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Podles, Polak, Quigley, Record, Henry Richardson, Paul Riley, Simard, Sing, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Wallace, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Gamache, Richard Hanson, James Humphrey, LaBonte, Mullin, Packard, Pratt, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Connors, Cummings, Cunningham, Cutliffe, Danforth, Davis, Robert Day, Erler, Felch, Beverly Gage, Gaskill, Goff, Griffin, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Norton, Parolise, Parr, Quimby, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson and Wolfson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Joncas, Joos, Lefavour, Maglaras, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel, Donald Smith, Torrey and Tripp.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding and George Wiggins, and the motion lost.

Rep. Callahan notified the Clerk that he inadvertently voted nay and wished to vote yea.

Rep. Healy moved that HB 449 be Indefinitely Postponed.

Adopted.

SB 6, providing for a power of attorney which survives disability or incompetence of the principal. Inexpedient to Legislate. Rep. Daniel Healy for Judiciary.

According to the Committee this bill was unnecessary under the present statutes.

Rep. Martin moved that SB 6 be recommitted to the Committee on Judiciary and spoke to her motion.

On a voice vote the Speaker was in doubt and requested a division.

234 members having voted in the affirmative and 106 in the negative, the motion was adopted.

SB 23, increasing the penalty for reckless operation of a motor vehicle. Inexpedient to Legislate. Rep. Martin for Judiciary.

There was no testimony presented at either of the two public hearings to indicate a need to increase penalties for reckless operation of a motor vehicle.

The present statute is a very effective law enforcement tool.

If you increase this to a misdemeanor superior court will be flooded with appeals.

Committee vote was 10-2.

Rep. Close moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Martin and Daniel Eaton spoke against the motion.

Reps. Terry Wiggin, George Wiggins and Lessard spoke in favor of the motion.

Rep. Close yielded to questions.

Rep. Gary Dionne moved that SB 23 be laid upon the table.

A roll call was requested.

Sufficiently seconded.

(Rep. Marshall French presiding)

YEAS 92 NAYS 251

YEAS 92

BELKNAP: Ambrose, Gary Dionne, Goyette, Michael Hanson, Mansfield and Marsh.

CARROLL: None.

CHESHIRE: Daniel Eaton, Hogan and Marshala.

COOS: Burns, Bradley Haynes, Patenaude, Poulin, Theriault and Wiswell.

**GRAFTON:** Hough, Logan, Mann, Neil McIver and Pepitone.

**HILLSBOROUGH:** Aubut, Emile Boisvert, Carswell, Cullity, Catherine-Ann Day, William Desmarais, Drewniak, Gelinas, Head, Kaklamanos, LaFleur, Armand Lemire, Lyons, Marcoux, Martin, McLaughlin, Miller, Morrison, Normand, Timothy O'Connor, Orcutt, Pappas, Paradis, Pelletier, Plomaritis, Podles, Record, Henry Richardson, Paul Riley, Seamans, Leonard Smith, St. George, Stylianos and Sweeney.

**MERRIMACK:** Bibbo, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Kidder, McLane, McNichol, Doris Riley, Trachy and Robert Watson.

**ROCKINGHAM:** Collins, Cutcliffe, Davis, Beverly Gage, Carl Gage, Grieco, Griffin, King, Lovejoy, Niebling, Norton, Parr, Pucci, Richards, Rossley and Alfreda Smith.

**STRAFFORD:** Dianne Herchek, Kelly, Nadeau and Osgood.

**SULLIVAN:** Brodeur, Desnoyer, Frizzell, LeBrun, Lewko and Palmer.

#### NAYS 251

**BELKNAP:** Beard, Bowler, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

**CARROLL:** Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

**CHESHIRE:** Callahan, Close, Dostilio, Foucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Krause, Ladd, Lynch, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggin.

**COOS:** Cooney, Fortier, Horton, Huggins, Hunt, Keough, George Lemire, Alcide Valliere, Neila Woodward and York.

**GRAFTON:** Aldrich, Ira Allen, George Gate, Chambers, Copenhaver, Cornelius, Dearborn, Duhaime, Myrl Eaton, Gemmill, LaMott, McAvoy, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

**HILLSBOROUGH:** Ahern, Arnold, Baker, Barrett, Bednar, Belanger, Bosse, Roland Boucher, Brack, Bridges, Brody, Burke, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coutermarsh, L. Penny Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Heald, Daniel Healy, George Healy, Howard Humphrey, Karnis, Keefe, Knight, LaPlante, Levesque, Madigan, Martineau, McGlynn, Fred Murray, Nemzoff-Berman, Kerry O'Connor, Arnold Perkins, Peters, Polak, Quigley, Simard, Sing, Edward Smith, Soucy, Stahl, Francis Sullivan, Kevin

Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

**MERRIMACK:** Ayles, Bellerose Laurent Boucher, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, LaBonte, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Pratt, Rich, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Ernest Valliere, Waters and Wiviott.

**ROCKINGHAM:** Aeschliman, Akerman, Aller, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Connors, Cotton, Cummings, Cunningham, Danforth, Robert Day, Dunfey, Erler, Felch, Flanagan, Ganley, Gaskill, Goff, Gould, Greene, Hartford, Hoar, Kane, Kashulines, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Parolise, Quimby, Rogers, Sanborn, Scamman, Schwaner, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfson.

**STRAFFORD:** Appleby, Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, James Herchek, Horrigan, Joncas, Joos, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Rod O'Connor, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

**SULLIVAN:** Barrus, Gray, Ingram, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Question being on the motion to substitute, Ought to Pass.

Rep. Arthur Perkins and Bridges spoke against the motion.

Rep. Coutermarsh spoke in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Rep. Marshall French presiding)

YEAS	154	NAYS	200
YEAS	154		

**BELKNAP:** Bowler and Kenneth Randall.

**CARROLL:** Dickinson, Howard, Keller and Towle.

**CHESHIRE:** Callahan, Close, Dostilio, Fillback, Galloway, Anne Gordon, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggin.

**COOS:** Huggins, Hunt, George Lemire, Wiswell and Neila Woodward.



GRAFTON: Aldrich, George Cate, Chambers, Copenhagen, Cornelius, Crory, Myrl Eaton, McAvoy, Rounds, Snell, Stomberg, Taffe, Glynetta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Bernier, Bosse, Brack, Brody, Coburn, Colson, Corser, Margaret Cote, Coutermarsh, Cullity, L. Penny Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Heald, Daniel Healy, Karnis, Knight, Armand Lemire, Madigan, Marcoux, Martineau, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, Paradis, Simard, Edward Smith, Soucy, St. George, Stahl, Stylianos, Harold Thomson, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Chandler, Eugene Daniell, Foley, Gachache, Pelton, Plourde, Pratt, Rice and Tarr.

ROCKINGHAM: Appel, Bisbee, Blake, William Boucher, Cunningham, Davis, Dunfey, Erler, Felch, Ganley, Hartford, Hoar, Joseph MacDonald, Maynard, Donna McEachern, Parolise, Parr, Schwaner, Stimmell, Stratton, Vlack, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Burchell, Donnelly, Bruce French, Charles Grassie, Joos, Lessard, Maloomian, Osgood, Preston, Dennis Ramsay, Ruel, Sackett, Donald Smith, Tripp, Valley, Voll and Allen Wilson.

SULLIVAN: Barrus, Gray, Ingram, Scott and George Wiggins.

#### NAYS 200

BELKNAP: Ambrose, Beard, Gary Dionne, Goyette, Michael Hanson, Hildreth, Mansfield, Marsh, Morin, James Murray, Nighswander, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Found, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Daniel Eaton, Faucher, Hogan and Elmer Johnson.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey and York.

GRAFTON: Ira Allen, Buckman, Clark, Dearborn, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, Neil McIver, Pepitone and Ward.

HILLSBOROUGH: Arnold, Baker, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Roland Boucher, Bridges, Burke, Carswell, Mark Connolly, Joseph Cote, Coughlin, Catherine-Ann Day, William Desmarais, Drewniak, Gelinas, Cort Hansen, Head, George Healy, Howard Humphrey,

Kaklamanos, Keefe, LaFleur, Lamy, LaPlante, Levesque, Lyons, Martin, McGlynn, McLaughlin, Miller, Morrison, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Seamans, Sing, Leonard Smith, Francis Sullivan, Kevin Sullivan, Van Loan and Robert Wheeler.

MERRIMACK: Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Richard Hanson, Hess, James Humphrey, Kidder, LaBonte, McLane, McNichol, Mullin, Packard, Arthur Perkins, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Barka, Benton, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cutcliffe, Danforth, Robert Day, Flanagan, Beverly Gage, Carl Gage, Gaskill, Goff, Gould, Greene, Grieco, Griffin, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph McEachern, Nelson, Niebling, Norton, Pucci, Richards, Rogers, Rossley, Sanborn, Scamman, Skinner, Alfreda Smith, Splaine, Tavitian, Webster and Wolfson.

STRAFFORD: Canney, Walter Desmarais, Hebert, Dianne Herchek, James Herchek, Horrigan, Joncas, Kelly, Lefavour, Maglaras, Meader, Morrisette, Nadeau, Rod O'Connor, Schreiber and Torrey.

SULLIVAN: Brodeur, Desnoyer, Frizzell, LeBrun, Lewko, Spaulding, Sara Townsend and Tucker, and the motion lost.

Resolution adopted.

Rep. M. Arnold Wight wished to be recorded against the motion, Ought to Pass.

A quorum count was requested.

The Speaker declared a quorum present.

Rep. Arthur Perkins moved that SB 23 be indefinitely postponed.

Motion adopted.

HB 356, to reclassify certain sections of highways in the town of Merrimack; to provide town authorization to appropriate town funds for their improvement, and for the construction of a new interchange and collector roadways on the central New Hampshire turnpike in the town of Merrimack and the relocation of the toll plaza and making an appropriation therefor. Ought to Pass with Amendment. Rep. McLaughlin for Public Works.

This bill is to alleviate traffic congestion in the area of the toll plaza, due to increased industrial growth keeping in mind the present expansion program of the central turnpike system. The amendment calls for maintaining the present interchange for emergency vehicles and a trial for automated-toll collections.

## Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Reclassification of Certain Roads in Merrimack. After the effective date of this act, the 1.28 miles of highway in the Town of Merrimack known as Continental Boulevard including its extension, beginning at its junction with Amherst road in the vicinity of Interchange #8 of the central New Hampshire turnpike in Merrimack and running southerly to its junction with Camp Sargent road, when said Continental Boulevard has been accepted by the Town of Merrimack as a class V highway and the 2.64 mile section of Camp Sargent road from the southerly terminus of continental boulevard as extended, southerly to its junction with Naticook road, and the section of Naticook road running southerly to New Hampshire route 101-A, are hereby classified as class II highways.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Relocation of Existing Toll Plaza. Amend RSA 256-C:2 by inserting after paragraph IV the following new paragraph:

V. Make improvements to the central New Hampshire turnpike, including, but not limited to, the construction of a new interchange approximately one and one half miles south of Interchange #8 in the town of Merrimack, connector roadways to U.S. route 3 and Camp Sargent road and relocation of the toll plaza southerly to point in the vicinity of new interchange. Access to the existing Thornton's Ferry interchange shall be maintained for emergency vehicles under conditions prescribed by the commissioner of the department of public works and highways; and the commissioner may also provide for toll access to the turnpike at the existing interchange, if such access is deemed feasible and in the public interest

## Amendment adopted.

Rep. Leonard Smith moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. McLaughlin and Galloway spoke against the motion.

Rep. Leonard Smith yielded to questions.

Rep. Tarr moved the previous question. Sufficiently seconded. Adopted

A roll call was requested. Sufficiently seconded.

(Rep. Marshall French presiding)

YEAS 125 NAYS 224

YEAS 125

BELKNAP: Beard, Bowler, Gary Dionne, Hildreth, Morin and Sanders.

CARROLL: Roderick Allen.

CHESHIRE: Chase, Close, Anne Gordon, Ladd, Parker, Proctor, Margaret Ramsay and Terry.

COOS: George Lemire, Patenaude, Poulin and Neila Woodward.

GRAFTON: Copenhaver, Crory, McAvoy, Stomberg, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Bednar, Emile Boisvert, Bosse, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Catherine-Ann Day, Clyde Eaton, Gabrielle Gagnon, Girolimon, Cort Hansen, Head, Kaklamanos, Karnis, LaPlante, Levesque, Madigan, Martin, McGlynn, Morrison, Fred Murray, Kerry O'Connor, O'Neil, Orcutt, Pappas, Podles, Record, Sing, Edward Smith, Leonard Smith, Soucy, Kevin Sullivan, Sweeney, Harold Thomson, Wallace, Wallin, Welch, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Eugene Daniell, Foley, Gamache, Hess, LaBonte, Mullin, Pelton, Pratt, Ralph, Rich, Trachy, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, William Boucher, Cotton, Cunningham, Cutcliffe, Dunfey, Carl Gage, Ganley, Gaskill, Gould, Greene, Grieco, Hartford, Hoar, Krasker, Joseph MacDonald, Donna McEachern, Niebling, Parolise, Parr, Pucci, Rogers, Rossley, Splaine, Wojnowski and Zabarsky. STRAFFORD: Burchell, James Hercek, Horrigan, Kelly, Maloomian, Osgood, Dennis Ramsey, Sackett, Schreiber, Valley, Voll and Shirley White.

SULLIVAN: Lewko, Scott and Tucker.

## NAYS 224

BELKNAP: Ambrose, Goyette, Michael Hanson, Mansfield, James Murray, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Faucher, Fillback, Galloway, Irvin Gordon, Hogan, Elmer Johnson, Krause, Lynch, Marshala, Matson, Moore, Russell, Scranton, Slack, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Keough, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Cornelius, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, Neil McIver, Pepitone, Rounds, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Barrett, Bernier, Wilfrid Boisvert, Roland Boucher, Brack, Bridges, Brody, Burke, Carswell, Coburn, Coughlin, Coutermarsh, Cullity, William Desmarais, L. Penny Dion, Drewniak, Joseph Eaton, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Heald, George Healy, Howard Humphrey, Keefe, Armand Lemire, Lyons, Marcoux, Martineau, McLaughlin, Miller, Nemzoff-Berman, Normand, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Polak, Quigley, Henry Richardson, Paul Riley, Seamans, Simard, Stahl, Stylianos, Francis Sullivan, Van Loan, Geraldine Watson, Emma Wheeler, Robert Wheeler and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Richard Hanson, James Humphrey, McNichol, Packard, Arthur Perkins, Plourde, Rice, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Akerman, Appel, Barka, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cummings, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Goff, Kane, Kashlines, King, Laycock, Lovejoy, Maynard, Joseph McEachern, Nelson, Norton, Quimby, Richards, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Diane Herchek, Joncas, Joos, Lefavour, Maglaras, Meader, Nadeau, Rod O'Connor, Preston, Ruel, Donald Smith, Torrey, Tripp and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Palmer, Spaulding, Sara Townsend and George Wiggins, and the motion lost.

Referred to Appropriations.

Reps. McLane and Belanger wished to be recorded against the motion, Inexpedient to Legislate.

HB 538, relative to road betterments and making an appropriation therefor. Inexpedient to Legislate. Rep. Fortier for Public Works.

The Public Works Committee unanimously voted that this bill be inexpedient to legislate because the Committee felt that taking revenue from the toll roads is not the proper way to fund secondary roads and that it was unfair that those paying for tolls should also have to pay for our secondary road system.

Resolution adopted.

HB 66, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The Committee felt that HB 469, as amended, adequately deals with raising the minimum drinking age to 19 years old. The vote of the Committee was 17 - 0.

Resolution adopted.

HB 409, changing the name of RSA 483-A and specifying that certain penalties relative to state waters apply to all violators. Ought to Pass with Amendment. Rep. Dickinson for Resources, Recreation and Development.

The bill, as amended, provides for criminal and civil penalties for all violators of the dredge and fill law whether or not they are owners of the land. And, grants right of entry upon land to investigate violations. Vote in Committee 13-0.

#### Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Title of the Chapter. Amend RSA 483-A by striking out the title of said chapter and inserting in place thereof the following "Dredge and Fill in Wetlands" so that said chapter as amended shall read as follows:

#### CHAPTER 483-A

##### Dredge and Fill in Wetlands

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Water Resources Board. Amend RSA 483-A:3 (supp) as inserted by 1967, 215:1 as amended by striking out said section and inserting in place thereof the following:

483-A:3 Powers of Water Resources Board.

I. The water resources board may deny the petition, or may require the installation of bulkheads, barriers, proper retention and/or containment structures to prevent subsequent fill runoff back into waters or other protective measures.

II. For the purpose of performing the duties under RSA 483-A it shall be lawful for the board, its agents or employees to enter upon any lands in the state.

Amendment adopted.

Referred to Appropriations.

HB 625, relative to motorboat noise level detectors. Ought to Pass. Rep. Clafin for Resources, Recreation and Development.

Substitutes a less costly but fully adequate noise detector for a more elaborate one. Ordered to third reading.

HCR 2, relative to the department of the army corps of engineers assuming jurisdiction over dredge and fill control in waterways and contiguous wetlands of the state. Ought to Pass with Amendment. Rep. Dickinson for Resources, Recreation and Development.



The resolution, as amended, gives clear direction to our congressional delegation concerning the result we wish to achieve. (Vote: 14-2)

#### Amendment

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the United States congressional delegation from the state of New Hampshire take the initiative and introduce appropriate legislation which would provide that any federal agency shall grant to the appropriate state agency specific authority to carry out the federal responsibility when the state has demonstrated competent and effective administration and control over the subject matter and federal participation would merely duplicate and complicate the control process without providing additional significant benefit to either the state or federal government.

Be it further resolved that the secretary of state send a copy of this concurrent resolution to each member of the New Hampshire congressional delegation

Amendment Adopted.

Ordered to third reading.

HB 232, relative to boat number and initial plates. Ought to Pass with Amendment. Rep. James Murray for Transportation.

The Committee feels the need for this legislation is urgent, especially in this time of fiscal crisis. The sponsor and the Department of Safety gave testimony that the state is losing money because the current boat-license system is ineffective. Multiple use of registration plates and the difficulty of viewing the small decals makes law enforcement very difficult. This return to the old system hopes to increase the now lagging registration by making the new plates more discernible by changing the color of the plate with the change in year.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing boat registration fees; establishing a sailboat registration fee; revising the distribution of boat registration fees; requiring the issuance of annual boat number plates and making an appropriation therefor.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Appropriation. The sum of \$21,000 is hereby appropriated to the division of motor vehicles to carry out the purposes of this act. The governor is authorized to draw his warrant out of any money in the treasury not otherwise appropriated.

5 Fees Increased. Amend RSA 270:5, III as amended by striking out said paragraph and inserting in place thereof the following:

III. Private Boats; Outboard Motors. There shall be paid to said director for each registration for privately operated outboard motors a fee as follows: For outboard motors up to and including the manufacturer's rated capacity of 5 horsepower, \$5; for motors with a manufacturer's rated capacity of 5.1 horsepower to 13.9 horsepower, \$8; for motors with the manufacturer's rated capacity of 14 horsepower to 49.9 horsepower, \$9; for motors with a manufacturer's rated capacity of 50 horsepower to 124.9 horsepower, \$19; and for motors with a manufacturer's rated capacity of 125 horsepower and over \$24. In case of boats propelled by more than one outboard motor the fee shall be computed on the horsepower of each individual motor.

6 Fees Increased. Amend RSA 270:5, IV as amended by striking out said paragraph and inserting in place thereof the following:

IV. Private Boats; Inboard Type. There shall be paid to said director for each registration for privately operated inboard boats a fee as follows: for boats up to and including 18 feet in length, \$9; for boats in excess of 18 feet in length and not exceeding 28 feet in length, \$14; for boats in excess of 28 feet in length and not exceeding 35 feet in length, \$19; and for boats in excess of 35 feet in length, \$29. The length of boats shall be determined by the outside overall dimension measured along the center line of the craft from the bow to the stern.

7 Sailboats Added. Amend RSA 270:5 by inserting after paragraph IV the following new paragraph:

IV-a. Sailboats. There shall be paid to said director for each registration for privately operated sailboats a fee as follows: for sailboats from 14 feet to 20 feet in length, \$7; for boats in excess of 20 feet in length and not exceeding 26 feet in length, \$11; and for boats in excess of 26 feet in length, \$17. The length of sailboats shall be determined by the outside overall dimension measured along the center line of the craft from the bow to the stern. The fees under this paragraph shall be in lieu of any fees imposed under paragraphs III or IV.

8 Additional Fee Provided. Amend RSA 270:5, VII (supp) as inserted by 1969, 489:2 by striking out in line 2 the words "and IV" and inserting in place thereof the following (IV and IV-a) so that said paragraph as amended shall read as follows:

VII. Additional Registration Fees. There shall be paid to said director in addition to the fees required by paragraphs III, IV and IV-a an additional fee of one dollar for each registration required by said paragraphs. The director of the division of motor vehicles shall



pay over said additional fees to the state treasurer who shall keep said fees in a special fund to be expended by the water resources board for the repair and maintenance of all dams under the jurisdiction of said board; provided, however, that no such expenditure shall be made by the water resources board without prior specific legislative authorization, except that in those instances where an individual project has received said prior specific legislative authorization an amount not in excess of 10 percent of the total individual project cost originally appropriated may be expended by the water resources board with governor and council approval for cost overruns. The water resources board shall present to each regular session of the legislature during the first week of the session proposals and requests for all work to be done during the ensuing biennium.

9 Redistribution of Fees. Amend RSA 270:6 by striking out said section and inserting in place thereof the following:

270:6 Disposition of Revenues.

I. Except as provided in paragraph II, all fines collected under this chapter, all sums received from the state treasurer on account of the unfunded motor vehicle road tolls, \$4 from each fee received under RSA 270:5, IV-a, and the amount of fees generated by the prior fee schedule under RSA 270:5 shall be made available to the department of safety, division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter.

II. The balance of the fees received, including the increased amount generated by the new fee schedule under RSA 270:5, III, IV and IV-a shall be deposited in the general fund.

10 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Bowler offered an amendment

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing boat registration fees;  
revising the distribution of  
boat registration fees;  
requiring the issuance  
of annual boat number  
plates and making  
an appropriation  
therefor

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Appropriation. The sum of \$21,000 is hereby appropriated to the division of motor vehicles to carry out the purposes of this act. The governor is authorized to draw his warrant out of any money in the treasury not otherwise appropriated.

5 Fees Increased. Amend RSA 270:5, III as amended by striking out said paragraph and inserting in place thereof the following:

III. Private Boats; Outboard Motors. There shall be paid to said director for each registration for privately operated outboard motors a fee as follows: For outboard motors up to and including the manufacturer's rated capacity of 5 horsepower, \$5; for motors with a manufacturer's rated capacity of 5.1 horsepower to 13.9 horsepower, \$8; for motors with manufacturer's rated capacity of 14 horsepower to 49.9 horsepower, \$9; for motors with a manufacturer's rated capacity of 50 horsepower to 124.9 horsepower, \$19; and for motors with a manufacturer's rated capacity of 125 horsepower and over \$24. In case of boats propelled by more than one outboard motor the fee shall be computed on the horsepower of each individual motor.

6 Fees Increased. Amend RSA 270:5, IV as amended by striking out said paragraph and inserting in place thereof the following:

IV. Private Boats; Inboard Type. There shall be paid to said director for each registration for privately operated inboard boats a fee as follows: for boats up to and including 18 feet in length, \$9; for boats in excess of 18 feet in length and not exceeding 28 feet in length, \$14; for boats in excess of 28 feet in length and not exceeding 35 feet in length, \$19; and for boats in excess of 35 feet in length, \$29. The length of boats shall be determined by the outside overall dimension measured along the center line of the craft from the bow to the stern.

7 Redistribution of Fees. Amend RSA 270:6 by striking out said section and inserting in place thereof the following:

270:6 Disposition of Revenues.

I. Except as provided in paragraph II, all fines collected under this chapter, all sums received from the state treasurer on account of the unfunded motor vehicle road tolls, and the amount of fees generated by the prior fee schedule under RSA 270:5 shall be made available to the department of safety division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter.

II. The balance of the fees received, including the increased amount generated by the new fee schedule under RSA 270:5, III and IV shall be deposited in the general fund.

8 Effective Date. This act shall take effect 60 days after its passage.

Rep. Bowler spoke to her amendment.

Rep. George Wiggins spoke against the Bowler amendment.

Rep. Maglaras moved that HB 232 be recommitted to the Committee on Transportation and spoke to his motion.

Rep. James Murray spoke against the motion.

Rep. Tucker moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Question being on the adoption of the Bowler amendment.

On a voice vote the Speaker was in doubt and requested a division.

199 members having voted in the affirmative and 142 in the negative, the Bowler amendment was adopted.

Referred to Appropriations.

Rep. Lyons offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 779 through 999, 1001 through 1070, and 1076 through 1104 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF BILLS

First, second reading and referral

HB 779, relative to lighting the state house dome from sunset to 2:00 a.m.

(Murray of Belknap Dist. 5; Sing of Hillsborough Dist. 23; Crotty of Hillsborough Dist. 30; Dion of Hillsborough Dist. 35; Wallace of Hillsborough Dist. 22; McNichol of Merrimack Dist. 5; Stockman of Merrimack Dist. 8; York of Coos Dist. 7; Erler of Rockingham Dist. 8; Akerman of Rockingham Dist. 12; Aubot of Hillsborough Dist. 20; Levesque of Hillsborough Dist. 22; Canney of Strafford Dist. 2; Tavitian of Rockingham Dist. 9; Belanger of Hillsborough Dist. 34; Soucy of Hillsborough Dist. 32; Carswell of Hillsborough Dist. 13; Danforth of Rockingham Dist. 7; Coyette of Belknap Dist. 6; Madigan of Hillsborough Dist. 24; Benton of Rockingham Dist. 2; Martin of Hillsborough Dist. 10; Hanson of Merrimack Dist. 5; Spiro of Hillsborough Dist. 27; Nardi of Hillsborough Dist. 27; Marsh of Belknap Dist. 2; Dickinson of Carroll Dist. 2; Boisvert of Hillsborough Dist. 22; Gage of Rockingham Dist. 13; D'Amante of Sullivan Dist. 5; Barka of Rockingham Dist. 4; Coutermarsh of Hillsborough Dist. 24; Waters of Merrimack Dist. 9; Bowler of Belknap Dist. 3; Normard of Hillsborough Dist. 36; MacIvor of Merrimack Dist. 10; McIver of Grafton Dist. 11; Randall of Belknap Dist. 3; Sanders of Belknap Dist. 4; McLane of Merrimack Dist. 16; Chambers of Grafton Dist. 13; Hildreth of Belknap Dist. 6; White of Hillsborough Dist. 27; Lyons of Hillsborough Dist. 13; Plourde of Merrimack Dist. 7; Sen. Hancock of Dist. 15; Sen. Lamontagne of Dist. 1; Desmarais of Hillsborough Dist. 20; Dupont of Hillsborough Dist. 22 - To Claims, Military and Veterans Affairs)

HB 980, relative to limiting mechanics' liens on residential real estate. (Wallin of Hillsborough Dist. 16 - To Commerce and Consumer Affairs)

HB 981, relative to limited advertising by attorneys. (Splaine of Rockingham Dist. 19; Morrisette of Strafford Dist. 7; Chase of Cheshire Dist. 15; Ambrose of Belknap Dist. 1; Plourde of Merrimack Dist. 7; Bernier of Hillsborough Dist. 36; Kakkamanos of Hillsborough Dist. 21; Burchell of Strafford Dist. 12; Terry of Cheshire Dist. 16; French of Strafford Dist. 21; Connolly of Hillsborough Dist. 9; Pappas of Hillsborough Dist. 18; Wiggin of Cheshire Dist. 14; Dionne of Belknap Dist. 6 - To Commerce and Consumer Affairs)

HB 982, relative to reciprocity in dentists licenses. (Chase of Cheshire Dist. 15 - To Commerce and Consumer Affairs)

HB 983, relative to requiring enclosures of consumer information with monthly utility bills. (Proctor of Cheshire Dist. 14; Burchell of Strafford Dist. 12 - To Commerce and Consumer Affairs)

HB 984, relative to requiring insurance companies to give advanced notice of certain policy cancellations to the insured. (Seamans of Hillsborough Dist. 15; Marshala of Cheshire Dist. 5; Orcutt of Hillsborough Dist. 8 - To Commerce and Consumer Affairs)

HB 985, relative to the sale of meat food products. (Seamans of Hillsborough Dist. 15 - To Commerce and Consumer Affairs)

HB 986, requiring electric utilities' rates to be based on a current level of services. (Chambers of Grafton Dist. 13; Bowler of Belknap Dist. 3; Grassie of Strafford Dist. 12; Cornelius of Grafton Dist. 13; Stomberg of Grafton Dist. 8; Haynes of Coos Dist. 1; Parr of Rockingham Dist. 12; Smith of Hillsborough Dist. 14; Orcutt of Hillsborough Dist. 8; Krasker of Rockingham Dist. 22; Corser of Hillsborough Dist. 2; Maynard of Rockingham Dist. 18; Horrigan of Strafford Dist. 4; Proctor of Cheshire Dist. 14; Blanchette of Rockingham Dist. 14; Splaine of Rockingham Dist. 19; Hildreth of Belknap Dist. 6; Brody of Hillsborough Dist. 24; Lessard of Strafford Dist. 20; Wojnowski of Rockingham Dist. 14; Burchell of Strafford Dist. 12; Bodi of Merrimack Dist. 7; Smith of Hillsborough Dist. 34 - To Commerce and Consumer Affairs)

HB 987, eliminating minimum fee charges by municipal waterworks and requiring all such waterworks' fee increases to be approved by the public utilities commission. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 988, relative to the readability of certain insurance policies. (Sing of Hillsborough Dist. 23; Parolise of Rockingham Dist. 5; Gage of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 989, relative to auto insurance rates. (Sing of Hillsborough Dist. 23 - To Commerce and Consumer Affairs)

HB 990, relative to licensing and advertising by professionals. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 991, preventing excessive charges for emergency utility service. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 992, requiring all utilities to charge consumers only for actual service provided. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 993, relative to the regulation of the sale of variable contracts. (Burns of Coos Dist. 4 - To Commerce and Consumer Affairs)

HB 994, relative to exceeding appropriations under the municipal budget law. (Bednar of Hillsborough Dist. 14; Wiggins of Sullivan Dist. 8; Pepitone of Grafton Dist. 3; King of Rockingham Dist. 1; Baker of Hillsborough Dist. 14 - To Constitutional Revision)

HB 995, relating to the disposition of personality in police department property rooms. (Collins of Rockingham Dist. 5; Bisbee of Rockingham Dist. 4 - To Constitutional Revision)

HB 996, permitting the publication of the name of a juvenile arrested for a delinquent act involving the use of a deadly weapon. (Boisvert of Hillsborough Dist. 31 - To Constitutional Revision)

HB 997, relative to retaliatory evictions by landlords. (Rice of Merrimack Dist. 20 - To Constitutional Revision)

HB 998, relative to the award of costs and fees in an action brought to issue a writ of mandamus against municipal and county officers. (Bednar of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3 - To Constitutional Revision)

HB 999, relative to joint authority of public officers. (Bednar of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3 - To Constitutional Revision)

HB 1001, relative to the fire service training, education and research program and funding same. (Hanson of Merrimack Dist. 5 - To Education)

HB 1002, requiring cooperative school districts to ascertain costs to each pre-existing district based on a portion of the equalized valuation of property in said pre-existing district and not on the number of students. (Chandler of Merrimack Dist. 3; Richardson of Hillsborough Dist. 5; Humphrey of Hillsborough Dist. 1; Keller of Carroll Dist. 5; Pelton of Merrimack Dist. 3 - To Education)

HB 1003, relative to a union school district in Nashua. (Wallin of Hillsborough Dist. 16 - To Education)

HB 1004, making participation in the school lunch program optional. (Eaton of Cheshire Dist. 11 - To Education)

HB 1005, to provide educational opportunity without excessive busing. (Chandler of Merrimack Dist. 3 - To Education)

HB 1006, establishing Merrimack valley college as a fourth school in the university system. (C. Winn of Hillsborough Dist. 19; Van Loan of Hillsborough Dist. 9; Townsend of Sullivan Dist. 1; O'Neil of Hillsborough Dist. 32; Normand of Hillsborough Dist. 36 - To Education)

HB 1007, relative to teaching sex education in public schools. (Krause of Cheshire Dist. 8; Humphrey of Hillsborough Dist. 1 - To Education)

HB 1008, relative to the confidentiality of certain pupil information. (Chambers of Grafton Dist. 13; Crory of Grafton Dist. 13 - To Education)

HB 1009, requiring a school district to pay the portion of special education costs in economic hardship cases not funded by state. (Day of Hillsborough Dist. 26; Krasker of Rockingham Dist. 22; Chambers of Grafton Dist. 13 - To Education)

HB 1010, limiting the powers of the board of trustees of the university system as they relate to the percentage of out-of-state students. (Aldrich of Grafton Dist. 14 - To Education)

HB 1011, relative to the approval of the Dover school district budget. (O'Connor of Strafford Dist. 18 - To Education)

HB 1012, to extend the deadline for eliminating burning dumps in certain towns. (Snell of Grafton Dist. 4; Howard of Carroll Dist. 1 - To Environment and Agriculture)

HB 1013, relative to the election of the banking commissioner. (Bernier of Hillsborough Dist. 36; Coutermarsh of Hillsborough Dist. 24 - To Executive Departments and Administration)

HB 1014, revising the "Right to Know" law. (Bednar of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3; Burke of Hillsborough Dist. 33; Packard of Merrimack Dist. 4 - To Executive Departments and Administration)

HB 1015, relative to the liability of veterinary board and engineers board. (Frizzell of Sullivan Dist. 7 - To Executive Departments and Administration)

HB 1016, establishing procedures for the periodic termination, review and renewal of state agencies and programs. (Cornelius of Grafton Dist. 13; Spirov of Hillsborough Dist. 27; Woodard of Grafton Dist. 8; Connolly of Hillsborough Dist. 9; Dionne of Belknap Dist. 6; Wojnowski of Rockingham Dist. 14; Hanson of Belknap Dist. 5; Claflin of Carroll Dist. 4; Currier of Hillsborough Dist. 15; Carpenito of Rock. Dist. 5 - To Executive Departments and Administration)

HB 1017, authorizing indemnification of state governmental officials. (Howard of Carroll Dist. 1 - To Executive Departments and Administration)

HB 1018, relative to an open season on certain moose under certain conditions. (Huggins of Coos Dist. 1 - To Fish and Game)

HB 1019, relative to continuing surveys of certain fur-bearing animals and authorizing the director to suspend or terminate trapping when a specie is endangered. (Blakeney of Merrimack Dist. 17 - To Fish and Game)

HB 1020, relative to the development of aquiculture. (Horrigan of Strafford Dist. 4; Zabarsky of Rockingham Dist. 22 - To Fish and Game)



HB 1021, requiring the filing of relinquishments with the department of health and welfare. (Normand of Hillsborough Dist. 36; O'Neil of Hillsborough Dist. 32; Bernier of Hillsborough Dist. 36; Woodward of Coos Dist. 2 - To Health and Welfare)

HB 1022, relative to the state's reimbursement of certain nursing homes at 100 percent of reasonable cost. (Fortier of Coos Dist. 6; Conley of Carroll Dist. 3; Patenaude of Coos Dist. 7; Valliere of Coos Dist. 6; Whipple of Cheshire Dist. 4; LaMott of Grafton Dist. 6; Spirou of Hillsborough Dist. 27; Kidder of Merrimack Dist. 1; Cunningham of Rockingham Dist. 12; Lessard of Strafford Dist. 20; Barrus of Sullivan Dist. 2 - To Health and Welfare)

HB 1023, relative to the determination of the reasonable value or necessity of chiropractic services in dispute. (Sing of Hillsborough Dist. 23 - To Health and Welfare)

HB 1024, applying the settlement law to municipal contributions for old age assistance and aid to the permanently and totally disabled. (Bednar of Hillsborough Dist. 14; Pepitone of Grafton Dist. 3 - To Health and Welfare)

HB 1025, relative to family day care. (Carroll of Merrimack Dist. 19; Johnson of Merrimack Dist. 15; Townsend of Grafton Dist. 14 - To Health and Welfare)

HB 1026, relative to lead paint poisoning in dwellings. (Normand of Hillsborough Dist. 36; LaFleur of Hillsborough Dist. 32; McDonough of Hillsborough Dist. 29; Ziakas of Hillsborough Dist. 33; Boucher of Hillsborough Dist. 36; Podles of Hillsborough Dist. 25; LaPlante of Hillsborough Dist. 35; Bernier of Hillsborough Dist. 36 - To Health and Welfare)

HB 1027, relative to funeral expenses for recipients of public assistance. (LaPlante of Hillsborough Dist. 35 - To Health and Welfare)

HB 1028, encouraging the reporting of infirm and incapacitated elderly persons. (Rogers of Rockingham Dist. 10; Lyons of Hillsborough Dist. 13; Wilson of Rockingham Dist. 2 - To Health and Welfare)

HB 1029, adding exceptions to the licensing of child caring and child placing agencies. (Sanders of Belknap Dist. 4 - To Health and Welfare)

HB 1030, concerning neglected and delinquent children and persons in need of supervision. (Cornelius of Grafton Dist. 13; Copenhaver of Grafton Dist. 13; O'Connor of Strafford Dist. 18; Collins of Rockingham Dist. 5; Stahl of Hillsborough Dist. 17 - To Health and Welfare)

HB 1031, to allow local units of government to enter interlocal agreements for the performance of any legal municipal function. (Currier of Hillsborough Dist. 15 - To Interstate Cooperation)

HB 1032, relative to the Saco watershed commission. (Dickinson of Carroll Dist. 2; Fount of Carroll Dist. 2; Howard of Carroll Dist. 1; Towle of Carroll Dist. 2 - To Interstate Cooperation)

HB 1033, relative to the exchange of tax information between state and federal government. (Ahern of Hillsborough Dist. 26 - To Interstate Cooperation)

HB 1034, granting the superior court jurisdiction to hear a criminal case for a violation of RSA 24:15. (Bednar of Hillsborough Dist. 14 - To Judiciary)

HB 1035, modifying the criminal classification of operating a motor vehicle under the influence of alcohol or controlled drugs. (Richardson of Hillsborough Dist. 5; Boucher of Merrimack Dist. 6; Clark of Grafton Dist. 5 - To Transportation)

HB 1036, authorizing the issuance of an occupational driver's license. (D'Amante of Sullivan Dist. 5; Sen. Saggiotes of Dist. 8 - To Transportation)

HB 1037, eliminating the appeal of violation convictions to the superior court. (Frizzell of Sullivan Dist. 7 - To Judiciary)

HB 1038, relative to providing criminal penalties for the copying of recorded devices. (Rice of Merrimack Dist. 20; Perkins of Merrimack Dist. 18 - To Judiciary)

HB 1039, relative to the penalty imposed for assaulting a law enforcement officer. (Eaton of Cheshire Dist. 11; Maglaras of Strafford Dist. 17 - To Judiciary)

HB 1040, relative to bail and recognizances. (Trachy of Merrimack Dist. 13; Connolly of Hillsborough Dist. 9 - To Judiciary)

HB 1041, requiring the accounting of all stocks and bonds sales proceeds by administrators to the probate court. (Normand of Hillsborough Dist. 36; Healy of Hillsborough Dist. 29; Martineau of Hillsborough Dist. 36; Woodward of Coos Dist. 2 - To Judiciary)

HB 1042, establishing a session of the Somersworth district court in the town of Rollinsford. (Joncas of Strafford Dist. 5 - To Judiciary)

HB 1043, allowing courts to divert juveniles from the court system. (O'Neil of Hillsborough Dist. 32 - To Judiciary)

HB 1044, relative to the public employee labor relations law. (Skinner of Rockingham Dist. 3-A - To Labor, Human Resources and Rehabilitation)

HB 1045, relative to the display of wheelchair symbol to indicate buildings accessible to handicapped and elderly persons. (Conley of Carroll Dist. 3; Boucher of Rockingham Dist. 3 - To Labor, Human Resources and Rehabilitation.)

HB 1046, providing arbitration procedures under the public employee labor relations law. (McDonough of Hillsborough Dist. 29 - To Labor, Human Resources and Rehabilitation.)

HB 1047, relative to overtime pay for employees of nursing homes. (Horton of Coos Dist. 3; Ward of Grafton Dist. 1 - To Labor, Human Resources and Rehabilitation.)

HB 1048, relative to the workmen's compensation law. (Skinner of Rockingham Dist. 3-A - To Labor, Human Resources and Rehabilitation.)



HB 1049, relative to the public employee labor relations law. (Kincaid of Strafford Dist. 18; Day of Hillsborough Dist. 26 - To Labor, Human Resources and Rehabilitation)

HB 1050, establishing a committee to study legislation affecting municipalities. (Hanson of Merrimack Dist. 5; Bednar of Hillsborough Dist. 14 - To Legislative Administration)

HB 1051, naming the James E. O'Neil, Sr., legislative office building. (O'Connor of Strafford Dist. 18; Plourde of Merrimack Dist. 7; Normand of Hillsborough Dist. 36 - To Legislative Administration)

HB 1052, relative to the receipt of federal funds by state departments, divisions, agencies and commissions. (Howard of Carroll Dist. 1 - To Legislative Administration)

HB 1053, relative to legislative mileage. (Cote of Hillsborough Dist. 28 - To Legislative Administration)

HB 1054, relative to the distribution of legislative budget post-audit reports. (Roberts of Belknap Dist. 4; French of Belknap Dist. 1; Lyons of Hillsborough Dist. 13; Bridges of Hillsborough Dist. 12 - To Legislative Administration.)

HB 1055, prohibiting the Rockingham county attorney from engaging in the private practice of law. (Cunningham of Rockingham Dist. 12; Boucher of Rockingham Dist. 3 - To Municipal and County Government)

HB 1056, relative to home rule. (Gage of Rockingham Dist. 5 - To Municipal and County Government)

HB 1057, relative to tax abatement on municipal airport properties. (LaFleur of Hillsborough Dist. 32; Soucy of Hillsborough Dist. 32; Martineau of Hillsborough Dist. 36; Dion of Hillsborough Dist. 35; O'Neil of Hillsborough Dist. 32; Day of Rockingham Dist. 3 - To Municipal and County Government)

HB 1058, restricting a zoning change proposal to appear on the town warrant 2 times in a 5 year period. (Hanson of Merrimack Dist. 5; McNichol of Merrimack Dist. 5 - To Municipal and County Government)

HB 1059, relative to appropriations at town, school district and village district meetings. (Bednar of Hillsborough Dist. 14 - To Municipal and County Government)

HB 1060, legalizing certain action taken by the town meeting in the town of Durham. (Horrigan of Strafford Dist. 4; Voll of Strafford Dist. 4 - To Municipal and County Government)

HB 1061, requiring nonprofit hospitals to submit to an audit for property tax exemption, and local referenda every 6 years. (Cote of Hillsborough Dist. 28 - To Municipal and County Government)

HB 1062, relative to audits of towns, school districts, village districts, precincts and counties. (Cutliffe of Rockingham Dist. 6; Dickinson of Carroll Dist. 2 - To Municipal and County Government)

HB 1063, relative to appropriations of governmental units by warrant articles. (Bednar of Hillsborough Dist. 14 - To Municipal and County Government)

HB 1064, relative to listing all exemptions on the annual inventory form. (LaBonte of Merrimack Dist. 12; Trachy of Merrimack Dist. 13 - To Municipal and County Government)

HB 1065, allowing cities and towns to abolish the resident tax by referendum. (Splaine of Rockingham Dist. 19; Morrisette of Strafford Dist. 7; Dionne of Belknap Dist. 6; Kelly of Strafford Dist. 19; Wiggan of Cheshire Dist. 14; Allen of Carroll Dist. 5; French of Strafford Dist. 21; Smith of Hillsborough Dist. 34; Eaton of Cheshire Dist. 11 - To Municipal and County Government)

HB 1066, relative to the definition of "professional services." (Collins of Rockingham Dist. 5; Laycock of Rockingham Dist. 5; Smith of Rockingham Dist. 5 - To Municipal and County Government)

HB 1067, establishing a voluntary arbitration system for handling settlement disputes in welfare cases. (Murray of Hillsborough Dist. 3 - To Municipal and County Government)

HB 1068, relative to assessments for sewers in cities of over 80,000 population. (Smith of Hillsborough Dist. 34 - To Municipal and County Government)

HB 1069, relative to municipalities employing prosecutors for district or municipal courts. (Boucher of Merrimack Dist. 6 - To Municipal and County Government)

HB 1070, relative to filing a statement of declaration in connection with the real estate transfer tax. (Bednar of Hillsborough Dist. 14; French of Belknap Dist. 1; Sen. Downing of Dist. 22; Hanson of Merrimack Dist. 5; Mann of Grafton Dist. 6; Pepitone of Grafton Dist. 3; Sen. Poulsen of Dist. 2; Sen. Jacobson of Dist. 7; Wiggins of Sullivan Dist. 8 - To Municipal and County Government)

HB 1076, providing for exemption of machinery and equipment from the property tax. (Boucher of Merrimack Dist. 6; Hanson of Merrimack Dist. 5; request of the Governor - To Municipal and County Government)

HB 1077, relative to a circumferential highway in Hudson. (Bednar of Hillsborough Dist. 14; Polak of Hillsborough Dist. 14; Quigley of Hillsborough Dist. 14; Baker of Hillsborough Dist. 14; - To Public Works)

HB 1078, relative to the establishment of a permanent subcommittee on architectural barrier free design on the governor's committee on employment of the handicapped. (Conley of Carroll Dist. 3; Orcutt of Hillsborough Dist. 8; Boucher of Rockingham Dist. 3 - To Public Works)

HB 1079, relative to highway route 38 in Salem and Pelham. (Campbell of Rockingham Dist. 5; Gage of Rockingham Dist. 5; Collins of Rockingham Dist. 5; Laycock of Rockingham Dist. 5 - To Public Works.)

HB 1080, authorizing games of chance at agricultural fairs. (Burns of Coos Dist. 4; Boucher of Merrimack Dist. 6; Willey of Coos Dist. 3; Murray of Hillsborough Dist. 3; Horton of Coos Dist. 3 - To Regulated Revenues.)

HB 1081, establishing a combined horse and dog racing commission. (Currier of Hillsborough Dist. 15; Wallin of Hillsborough Dist. 16; Parr of Rockingham Dist. 12 - To Regulated Revenues)

HB 1082, relative to a utility's liability for nuclear accidents. (Burchell of Strafford Dist. 12; Stomberg of Grafton Dist. 8; Wiggan of Cheshire Dist. 14; Wojnowski of Rockingham Dist. 14 - To Science and Technology)

HB 1083, establishing lifeline electric utility rates and mandating marginal cost pricing and time of day rates. (Cornelius of Grafton Dist. 13; Spirou of Hillsborough Dist. 27; Proctor of Cheshire Dist. 14; Smith of Hillsborough Dist. 14; Woodard of Grafton Dist. 8; Smith of Hillsborough Dist. 34 - To Science and Technology)

HB 1084, regulating motor vehicle and motorcycle sound emission levels. (Girolimon of Hillsborough Dist. 30; Smith of Hillsborough Dist. 14 - To Science and Technology)

HB 1085, relative to punishment at the county houses of correction. (Bednar of Hillsborough Dist. 14; Perkins of Hillsborough Dist. 8 - To State Institutions)

HB 1086, changing the name of the New Hampshire home for the elderly to the Glenclyff Center; transferring the Glenclyff Center from the division of public health to the division of mental health, and providing for a direct admissions procedure to the Glenclyff Center. (Stomberg of Grafton Dist. 8; Rich of Merrimack Dist. 18 - To State Institutions.)

HB 1087, to extend the voluntary commitment of certain patients at New Hampshire hospital. (McLane of Merrimack Dist. 16 - To State Institutions)

HB 1088, relative to civil commitments of the mentally ill. (O'Connor of Strafford Dist. 18; Perkins of Merrimack Dist. 18 - To State Institutions)

HB 1089, requiring toll free phones in wards for official calls on election days and requiring phone inquiries relative to the rights of certain people to vote. (LaPlante of Hillsborough Dist. 35 - To Statutory Revision)

HB 1090, relative to filing for an office when at the time of such filing a person is not of the age to qualify for that office. (Splaine of Rockingham Dist. 19; Wojnowski of Rockingham Dist. 19; Dunfee of Rockingham Dist. 12; Maglaras of Strafford Dist. 17; Kaklamanos of Hillsborough Dist. 21; Bodi of Merrimack Dist. 7; Rossley of Rockingham Dist. 23; Foley of Merrimack Dist. 1; Terry of Cheshire Dist. 16; Pappas of Hillsborough Dist. 18; Carroll of Merrimack Dist. 19; Burchell of Strafford Dist. 12; Dionne of Belknap Dist. 6; Allen of Carroll Dist. 5;

Wiggan of Cheshire Dist. 14; O'Keefe of Rockingham Dist. 21; Trachy of Merrimack Dist. 13 - To Statutory Revision)

HB 1091, relative to overseas citizens voting rights. (Hildreth of Belknap Dist. 6; Hansen of Hillsborough Dist. 11; McIver of Grafton Dist. 11; Foley of Merrimack Dist. 1 - To Statutory Revision)

HB 1092, allowing local authorities to reduce speed limits within residential areas within their jurisdiction. (Splaine of Rockingham Dist. 19; Aeschliman of Rockingham Dist. 18; Rossley of Rockingham Dist. 23; Zabarsky of Rockingham Dist. 22; Plourde of Merrimack Dist. 7; McEachern of Rockingham Dist. 23; Normand of Hillsborough Dist. 36; Maglaras of Strafford Dist. 17; Connors of Rockingham Dist. 21; Maynard of Rockingham Dist. 18; O'Keefe of Rockingham Dist. 21; Cotton of Rockingham Dist. 20; Sen. Foley of Dist. 24 - To Transportation)

HB 1093, relative to the use of snow tires and snow chains. (Wojnowski of Rockingham Dist. 14 - To Transportation)

HB 1094, relative to the operation of state weigh stations. (Coutermarsh of Hillsborough Dist. 24 - To Transportation)

HB 1095, relative to certificates for common carriers. (Crotty of Hillsborough Dist. 30; O'Connor of Hillsborough Dist. 33; Waters of Merrimack Dist. 9; Clark of Grafton Dist. 5; Wallace of Hillsborough Dist. 22; Shepard of Merrimack Dist. 4; Akerman of Rockingham Dist. 12; Stockman of Merrimack Dist. 8; Boucher of Hillsborough Dist. 36; Dion of Hillsborough Dist. 21; Murray of Belknap Dist. 5; Burke of Hillsborough Dist. 33; Dreniak of Hillsborough Dist. 30; Barrett of Hillsborough Dist. 29; Boisvert of Hillsborough Dist. 31 - To Transportation)

HB 1096, establishing and funding a highway transportation fund to aid the elderly and handicapped. (Richardson of Hillsborough Dist. 5; Cunningham of Rockingham Dist. 12; Rogers of Rockingham Dist. 10; Perkins of Hillsborough Dist. 8 - To Transportation)

HB 1097, permitting the use of a citizen band radio or other radio-telephone equipment while operating a motor vehicle upon a public way. (Buckman of Grafton Dist. 9 - To Transportation)

HB 1098, redefining certain terms in the motor vehicle laws. (Barrus of Sullivan Dist. 2 - To Transportation)

HB 1099, to encourage using renewable sources of energy for generation of electricity. (Sackett of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 1100, requiring the water resources board to advise the eminent domain commission in the taking of waterfront properties. (Frizzell of Sullivan Dist. 7 - To Resources, Recreation and Development)

HB 1101, establishing regional water authorities. (Smith of Hillsborough Dist. 14 - To Resources, Recreation and Development)

HB 1102, imposing a gains tax on the sale of unimproved land held less than 6 years. (Poulin of Coos Dist. 9 - To Ways and Means)

HB 1103, relative to population calculation for rooms and meals tax purposes. (MacDonald of Rockingham Dist. 20 - To Ways and Means)

HB 1104, changing the penalty for failure to file user of fuel reports with the road toll section. (Crotty of Hillsborough Dist. 30; Bednar of Hillsborough Dist. 14, for Department of Safety - To Ways and Means)

Rep. Tucker moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 19 at 12:30 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 722, amending the charter of the Union school district of Keene to provide that the trustee of trust funds be appointed by the school board.

SB 41, relative to the deposit of state funds in approved banks.

HB 286, increasing the number of fish and game commissioners from 10 to 11 by providing for 2 commissioners from Rockingham county.

SB 68, relative to notice filing in registries of deeds to show power of trustee to convey real estate.

HB 303, relative to the conversion of certain class VI highways to footpaths or trails.

HB 306, requiring that any person submitting an application and plans for construction approval by the water supply and pollution control commission certify that he has met all pertinent requirements.

HB 459, relative to septic tank information for property buyers.

HB 671, relative to contracts between the state and the 4-H Foundation of New Hampshire, Incorporated concerning facilities at Bear Brook state park.

HB 464, relative to the loaning authority of cooperative banks, building and loan associations and savings and loan associations.

HB 227, relative to procedures for appointment and removal of the deputy commissioner of safety.

HB 382, relative to the jurisdiction of district courts in criminal matters.

HB 625, relative to motorboat noise level detectors.

HCR 2, relative to the department of the army corps of engineers assuming jurisdiction over dredge and fill control in waterways and contiguous wetlands of the state.

#### SENATE MESSAGE

##### REQUEST CONCURRENCE WITH AMENDMENT

HB 60, relating to registration and examination fees for professional engineers. (Amendment printed in SJ 4/7)

Rep. Burns moved that the House concur with the Senate amendment.

Adopted.

#### NOTICE OF RECONSIDERATION

Rep. Plourde served notice that today or some subsequent day as limited by the rules, he would ask the House to reconsider its action in passing HB 382, relative to the jurisdiction of district courts in criminal matters. (Expires April 21)

359 members were recorded as present.

#### RECESS

(Rep. Tucker in the Chair)

Rep. Roderick O'Connor offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 1105 through 1183, and HB1s 2033 through 2045 and House Joint Resolutions numbered 4 and 5 and Concurrent Resolutions Proposing Constitutional Amendments numbered 17 through 22 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF BILLS

First, second reading and referral  
HB 1105, to provide for the protection and preservation of historic resources, artifacts, treasure and objects of antiquity which have historical value. (Griffin of Rockingham Dist. 19, for Department of Resources and Economic Development - To Claims, Military and Veterans Affairs)

HB 1106, relative to the classification of medical service providers for purposes of coverage by medical service corporations. (Chapman of Rockingham Dist. 15 - To Commerce and Consumer Affairs)

HB 1107, relative to the records kept by persons licensed to sell antiques or used goods. (Eaton of Cheshire Dist. 11 - To Commerce and Consumer Affairs)

HB 1108, relative to regulation of investments of domestic life insurance companies. (Wiviott of Merrimack Dist. 16 - To Commerce and Consumer Affairs)

HB 1109, prohibiting discrimination against a renter of residential real property because of public assistance. (Wiggin of Cheshire Dist. 14; Grassie of Strfford Dist. 12 - To Constitutional Revision)

HB 1110, relative to child support collection provisions. (O'Neil of Hillsborough Dist. 32 - To Constitutional Revision)



HB 1111, relative to probation officers. (Thomson of Grafton Dist. 7 - To Constitutional Revision)

HB 1112, establishing instruction in learning disabilities as a requirement for teacher certification. (Day of Hillsborough Dist. 26 - To Education)

HB 1113, permitting the withdrawal of a pre-existing district from a cooperative school district. (Keefe of Hillsborough Dist. 23; Beard of Belknap Dist. 5; Conley of Carroll Dist. 3; Boucher of Rockingham Dist. 3 - To Education)

HB 1114, relative to a standard entrance age for school children. (Spirou of Hillsborough Dist. 27; French of Belknap Dist. 1; O'Connor of Strafford Dist. 18; D. Herchek of Strafford Dist. 16 - To Education)

HB 1115, concerning AREA schools incurring indebtedness. (Taffe of Grafton Dist. 5 - To Education)

HB 1116, relative to the control of hazardous substances. (Sanders of Belknap Dist. 4 - To Environment and Agriculture)

HB 1117, providing for the local regulation of excavations. (Hess of Merrimack Dist. 6; Taylor of Grafton Dist. 9; Heald of Hillsborough Dist. 5 - To Environment and Agriculture)

HB 1118, requiring local public hearings before the director, division of public health services, approves public disposal facilities. (Allen of Carroll Dist. 5 - To Environment and Agriculture)

HB 1119, relative to strip development along highways. (Smith of Hillsborough Dist. 14; Niebling of Rockingham Dist. 13; O'Neil of Hillsborough Dist. 32; Morrison of Hillsborough Dist. 14 - To Environment and Agriculture)

HB 1120, relative to current use assessment. (Wiggins of Sullivan Dist. 8 - To Environment and Agriculture)

HB 1121, relative to public ethics. (Roberts of Belknap Dist. 4 - To Executive Departments and Administration)

HB 1122, transferring the responsibility for administering the state medical facilities plan. (Coff of Rockingham Dist. 5 - To Executive Departments and Administration)

HB 1123, establishing authority for the granting of extensions of service for members of the New Hampshire retirement system. (Aldrich of Grafton Dist. 14; Boucher of Merrimack Dist. 6; Buckman of Grafton Dist. 9 - To Executive Departments and Administration)

HB 1124, relative to replacing the governor's committee on employment of the handicapped with the governor's commission for the handicapped. (Conley of Carroll Dist. 3; Boucher of Rockingham Dist. 3 - To Executive Departments and Administration)

HB 1125, relative to appointments by the governor or governor and council. (Spirou of Hillsborough Dist. 27 - To Executive Departments and Administration)

HB 1126, relative to the New Hampshire retirement system and the state employees' retirement system of New Hampshire. (Dearborn of Grafton Dist. 11 - To Executive Departments and Administration)

HB 1127, relative to terms of certain gubernatorial appointees. (Allen of Carroll Dist. 5; French of Belknap Dist. 4; Normand of Hillsborough Dist. 36; Shepard of Merrimack Dist. 4; Sen. Downing of Dist. 22; Sen. Rock of Dist. 12 - To Executive Departments and Administration)

HB 1128, relative to child support enforcement. (Spaulding of Sullivan Dist. 4; Wilson of Rockingham Dist. 2 - To Health and Welfare)

HB 1129, relative to the rights of the mentally disabled. (Hanson of Belknap Dist. 5 - To Health and Welfare)

HB 1130, relative to the dispensation of controlled drugs. (Wilson of Rockingham Dist. 2 - To Health and Welfare)

HB 1131, relative to the inspection of beverage dispensing equipment. (Gelinis of Hillsborough Dist. 31 - To Health and Welfare)

HB 1132, establishing shelter care facilities for persons in need of supervision. (O'Neil of Hillsborough Dist. 32 - To Health and Welfare)

HB 1133, relative to delinquent and neglected children and persons in need of supervision. (O'Neil of Hillsborough Dist. 32; Ralph of Merrimack Dist. 13 - To Health and Welfare)

HB 1134, making the person chargeable by law for a child's support and necessities primarily liable for the expenses of a neglected or delinquent child or person in need of supervision. (Bednar of Hillsborough Dist. 14 - To Health and Welfare)

HB 1135, establishing a bureau of children's services in the department of health and welfare, division of public health services. (Lawton of Belknap Dist. 1 - To Health and Welfare)

HB 1136, relative to the New Hampshire - Maine boundary dispute. (Spirou of Hillsborough Dist. 27; Krasker of Rockingham Dist. 22; Griffin of Rockingham Dist. 19; Sen. Foley of Dist. 24; Sen. Preston of Dist. 23; Blanchette of Rockingham Dist. 14; Wojnowski of Rockingham Dist. 14; Scamman of Rockingham Dist. 15; Gage of Rockingham Dist. 13; Wolfson of Rockingham Dist. 15; Ganley of Rockingham Dist. 13; McEachern of Rockingham Dist. 23; Dunfee of Rockingham Dist. 12; Lessard of Strafford Dist. 20; Sanders of Belknap Dist. 4; Cunningham of Rockingham Dist. 12; MacDonald of Carroll Dist. 4; Hoar of Rockingham Dist. 8; O'Connor of Strafford Dist. 18; Cotton of Rockingham Dist. 20; Hartford of Rockingham Dist. 17; Slack of Cheshire Dist. 15; Richards of Rockingham Dist. 16; Flanagan of Rockingham Dist. 6; Splaine of Rockingham Dist. 19; Grassie of Strafford Dist. 12; Parr of Rockingham Dist. 12; Aeschliman of Rockingham Dist. 18; Greene of Rockingham Dist. 17; O'Keefe of Rockingham Dist. 21; Appel of Rockingham Dist. 17; Zabarsky of Rockingham Dist. 22; Rossley of Rockingham Dist. 23; Connors of Rockingham Dist. 21; Woodard of Grafton Dist. 8; Maynard of Rockingham Dist. 18; McEachern of Rockingham Dist. 20 - To Interstate Cooperation)



HB 1137, relative to capital punishment. (Roberts of Belknap Dist. 4 - To Judiciary)

HB 1138, establishing training, certification, use and supervision of professional guardians. (Hanson of Belknap Dist. 5 - To Judiciary)

HB 1139, relative to the judicial budget procedure. (Poulin of Coos Dist. 9; Ward of Grafton Dist. 1; Spirou of Hillsborough Dist. 27; French of Belknap Dist. 1 - To Judiciary)

HB 1140, providing jury trials in district courts and eliminating certain trials de novo in superior courts. (Bosse of Hillsborough Dist. 1 - To Judiciary)

HB 1141, establishing a New Hampshire right to privacy act. (Carpenito of Rockingham Dist. 5; Wallin of Hillsborough Dist. 16 - To Judiciary)

HB 1142, revising the procedure for resolving disputes under the public employee labor relations law; establishing criteria for the decertification of an employee organization; and expanding the definition of strikes. (Daniell of Merrimack Dist. 13 - To Labor, Human Resources and Rehabilitation)

HB 1143, relative to conformance of RSA 282 to federal requirements. (Skinner of Rockingham Dist. 3-A - To Labor, Human Resources and Rehabilitation)

HB 1144, relative to the establishment of workmen's compensation self-insurance programs. (Normand of Hillsborough Dist. 36; LaFleur of Hillsborough Dist. 32; Dion of Hillsborough Dist. 35 - To Labor, Human Resources and Rehabilitation)

HB 1145, relative to overtime pay for employees. (Valliere of Merrimack Dist. 19; McNichol of Merrimack Dist. 5; Grieco of Rockingham Dist. 5; McGlynn of Hillsborough Dist. 21; Wheeler of Hillsborough Dist. 8; Cooney of Coos Dist. 8; Spirou of Hillsborough Dist. 27 - To Labor, Human Resources and Rehabilitation)

HB 1146, including the legislative fiscal committee in the application and expenditure of federal funds. (Spirou of Hillsborough Dist. 27; Cornelius of Grafton Dist. 13; O'Connor of Strafford Dist. 18 - To Legislative Administration)

HB 1147, relative to automatic smoke detector devices. (Callahan of Cheshire Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 1148, relative to state public assistance programs. (Spirou of Hillsborough Dist. 27; Blanchette of Rockingham Dist. 14 - To Health and Welfare)

HB 1149, relative to the preparation of a town budget under the municipal budget act and budgets for counties, school districts and village districts. (Bednar of Hillsborough Dist. 14; Wiggins of Sullivan Dist. 8; French of Belknap Dist. 1; Dickinson of Carroll Dist. 2, for Department of Revenue Administration - To Municipal and County Government)

HB 1150, establishing a 6 year term of office for Carroll county commissioners. (Smith of Carroll Dist. 3 - To Municipal and County Government)

Hb 1151, permitting a local option to adopt tax exemptions for substandard buildings in need of extensive repairs. (Poulin of Coos Dist. 9 - To Municipal and County Government)

HB 1152, revising guardianship procedures. (McLane of Merrimack Dist. 16; Hanson of Belknap Dist. 5; Richardson of Hillsborough Dist. 5; Day of Hillsborough Dist. 26; Lessard of Strafford Dist. 20; Sen. Lamontagne of Dist. 1 - To Judiciary)

HB 1153, relative to reporting audit findings in summary form. (Bednar of Hillsborough Dist. 14; McIver of Grafton Dist. 11; Pepitone of Grafton Dist. 3 - To Municipal and County Government)

HB 1154, relative to vacancies in certain county and municipal offices. (Roberts of Belknap Dist. 4 - To Municipal and County Government)

HB 1155, relative to the conveyance of property acquired by a town or city at a tax sale. (Bednar of Hillsborough Dist. 14; Mann of Grafton Dist. 6; Pepitone of Grafton Dist. 3; King of Rockingham Dist. 1 - To Municipal and County Government)

HB 1156, relative to the property tax lien for the elderly and disabled. (Bednar of Hillsborough Dist. 14; Drewniak of Hillsborough Dist. 30; Callahan of Cheshire Dist. 2; King of Rockingham Dist. 1 - To Municipal and County Government)

HB 1157, relative to the maintenance of private roads. (Roberts of Belknap Dist. 4; Hanson of Merrimack Dist. 5 - To Municipal and County Government)

HB 1158, relative to the definition of a class VI highway and the status of existing class VI highways. (Roberts of Belknap Dist. 4 - To Municipal and County Government)

HB 1159, authorizing towns by local referendum to acquire and dispose of industrial facilities. (Mann of Grafton Dist. 6 - To Municipal and County Government)

HB 1160, establishing a right of referendum in a city or town. (Cote of Hillsborough Dist. 28 - To Municipal and County Government)

HB 1161, relative to establishing a district within the town of Haverhill. (Mann of Grafton Dist. 6 - To Municipal and County Government)

HB 1162, relative to county convention meetings. (Bednar of Hillsborough Dist. 14; Faucher of Cheshire Dist. 3; T. O'Connor of Hillsborough Dist. 33; Pepitone of Grafton Dist. 3; Sing of Hillsborough Dist. 23; Thomson of Grafton Dist. 7; Boucher of Rockingham Dist. 3; Schwaner of Rockingham Dist. 9 - To Municipal and County Government)

HB 1163, legalizing the 1977 annual town meeting of the town of Exeter. (Niebling of Rockingham Dist. 13 - To Municipal and County Government)

HB 1164, relative to the transportation and storage of explosives. (Marsh of Belknap Dist. 2 - To Public Works)

HB 1179, prohibiting a truck-tractor from towing more than one semi-trailer at the same time. (T. O'Connor of Hillsborough Dist. 33 - To Transportation)

HB 1180, relative to prohibiting all persons from removing railroad track related structures. (Hoar of Rockingham Dist. 8; Sen. Preston of Dist. 23 - To Transportation)

HB 1181, relative to prorating motor vehicle permit fees. (Rounds of Grafton Dist. 12 - To Transportation)

HB 1182, to permit the postponement for a limited time of any increase in the appraised value of improved real estate. (J. Herchek of Strafford Dist. 16; Valley of Strafford Dist. 20; D. Herchek of Strafford Dist. 16; Kelly of Strafford Dist. 19; Maglaras of Strafford Dist. 17; Donnelly of Strafford Dist. 17 - To Municipal and County Government)

Hb 1183, relative to public recreation and parks. (Watson of Merrimack Dist. 15 - To Municipal and County Government)

HBI 2033, Relating to: investigating certain pricing practices that adversely affect consumers. (Seamans of Hillsborough Dist. 15; Cote of Hillsborough Dist. 28; Gordon of Cheshire Dist. 8; Plomaritis of Hillsborough Dist. 15 - To Commerce and Consumer Affairs)

HBI 2034, Relating to: receiving credit from the university system for academic work done within or without the system. (Ramsey of Strafford Dist. 13; Grassie of Strafford Dist. 12; Blakeney of Merrimack Dist. 17 - To Education)

HBI 2035, Relating to: universal products coding. (Pelton of Merrimack Dist. 3 - To Environment and Agriculture)

HBI 2036, Relating to: welfare reform. (Eaton of Cheshire Dist. 11; Wiggan of Cheshire Dist. 14 - To Health and Welfare)

HBI 2037, Relating to: the abuses and problems of the New Hampshire small claims court system. (Splaine of Rockingham Dist. 19 - To Judiciary)

HBI 2038, Relating to: reviewing a judge's performance. (Eaton of Cheshire Dist. 11; Wiggan of Cheshire Dist. 14 - To Judiciary)

HBI 2040, Relating to: the early registration of motor vehicles. (Skinner of Rockingham Dist. 3-A - To Transportation)

HBI 2041, Relating to: the organization of planning regions. (Schreiber of Strafford Dist. 4 - To Resources, Recreation and Development)

HBI 2042, Relating to: requiring licensing for operators of power boats. (Cote of Hillsborough Dist. 28 - To Resources, Recreation and Development)

HBI 2043, Relating to: the establishment of a department of transportation. (Gage of Rockingham Dist. 13 - To Transportation)

HBI 2044, Relating to: telephone and telecommunication services in the State of New Hampshire. (Roberts of Belknap Dist. 4 - To Science and Technology)

HB 1165, requiring the department of public works and highways to maintain railroad crossings which become the property of the state. (Hoar of Rockingham Dist. 8; Foley of Merrimack Dist. 1 - To Public Works)

HB 1166, relative to the establishment of contractor's bid depository system by the commissioner of public works and highways. (Ward of Grafton Dist. 1 - To Public Works)

HB 1167, permitting social clubs to serve alcoholic beverages until 3:00 a.m. (Morrisette of Strafford Dist. 7 - To Regulated Revenues)

HB 1168, relative to the powers of the water resources board. (Schreiber of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 1169, relative to the state conveying properties known as the Pontook reservoir to the town of Dummer. (Oleson of Coos Dist. 5 - To Resources, Recreation and Development)

HB 1170, relative to political advertising concerning a measure or referendum on the ballot at any election. (Murray of Belknap Dist. 5 - To Statutory Revision)

HB 1171, relative to the construction or operation of nuclear fission thermal power plants. (Haynes of Coos Dist. 1; Burchell of Strafford Dist. 12; Blakeney of Merrimack Dist. 17; Corser of Hillsborough Dist. 2 - To Science and Technology)

HB 1172, relative to the filing dates for candidates in the primary for any elective office. (Krasker of Rockingham Dist. 22; Martin of Hillsborough Dist. 10; Hartford of Rockingham Dist. 17; Ambrose of Belknap Dist. 1 - To Statutory Revision)

HB 1173, relative to cemeteries. (Conley of Carroll Dist. 3 - To Statutory Revision)

HB 1174, relative to the color of buses used to transport school-age children. (Day of Hillsborough Dist. 26; Stahl of Hillsborough Dist. 17 - To Transportation)

HB 1175, relative to the use of automatic flashing stop lights on certain buses. (Day of Hillsborough Dist. 26; Stahl of Hillsborough Dist. 17 - To Transportation)

HB 1176, reapportioning Belknap District 4 for representative districts to the general court. (Roberts of Belknap Dist. 4; Sanders of Belknap Dist. 4 - To Statutory Revision)

HB 1177, establishing an interim study committee on 21 compact areas. (White of Hillsborough Dist. 27; Carpenito of Rockingham Dist. 5; Murray of Belknap Dist. 5; Bibbo of Merrimack Dist. 2; Dionne of Belknap Dist. 6; Ingram of Sullivan Dist. 9; Laycock of Rockingham Dist. 5; Grieco of Rockingham Dist. 5; Pucci of Rockingham Dist. 5 - To Transportation)

HB 1178, establishing the offense of using excessive fuel and specifying the effects of a conviction for using excessive fuel. (Murray of Belknap Dist. 5 - To Transportation)

HBI 2045, Relating to: energy programs. (Proctor of Cheshire Dist. 14 To Science and Technology)

HJR 4, for the purpose of requesting appropriate action by the Congress, either acting by consent of 2/3 of both Houses or, upon the application of the legislatures of 2/3 of the several states, calling a constitutional convention to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year. (Richardson of Hillsborough Dist. 5 - To Constitutional Revision)

HJR 5, relative to the right of the people to keep and bear arms. (Stockman of Merrimack Dist. 8 - To Interstate Cooperation)

CACR 17, Relating to: Constitutional Amendments at Special Sessions. Providing that: No Constitutional Amendment may be proposed at any Special Session of the General Court. (Buckman of Grafton Dist. 9; Slack of Cheshire Dist. 15 - To Constitutional Revision)

CACR 18, Relating to: The number of Constitutional Amendments on any one ballot and the time of their presentment to the voters. Providing that: Not more than 4 proposed Constitutional Amendments shall appear on any one ballot and said proposed amendments shall be presented only at the Biennial Elections. (Buckman of Grafton Dist. 9; Slack of Cheshire Dist. 15 - To Constitutional Revision)

CACR 19, Relating to: Recall of elected officers. Providing that: any Elective officer, except Judicial officers shall be subject to recall by the voters. (Donnelly of Strafford Dist. 17; Voll of Strafford Dist. 4; Belhumeur of Strafford Dist. 21; Paradis of Hillsborough Dist. 8; Soucy of Hillsborough Dist. 32; Perkins of Hillsborough Dist. 8; Humphrey of Merrimack Dist. 11; Seamans of Hillsborough Dist. 15; Stratton of Rockingham Dist. 4; Tripp of Strafford Dist. 15; Bibbo of Merrimack Dist. 2; Chandler of Merrimack Dist. 3; Boisvert of Hillsborough Dist. 22; McDonough of Hillsborough Dist. 29; Bellerose of Merrimack Dist. 7 - To Constitutional Revision)

CACR 20, Relating to: Qualifications of Governor and Councilors. Providing that: the age requirement be reduced from 30 to 25. (Smith of Hillsborough Dist. 34 To Constitutional Revision)

CACR 21, Relating to: establishing a unicameral legislature for New Hampshire. Providing that: the general court of New Hampshire be unicameral. (Splaine of Rockingham Dist. 19; Morrisette of Strafford Dist. 7; Dionne of Belknap Dist. 6; Burchell of Strafford Dist. 12 - To Constitutional Revision)

CACR 22, Relating to: Composition of the General Court. Providing that: the membership of the House of Representatives shall be reduced to 300. (Carpenito of Rockingham Dist. 5; Kaklamanos of Hillsborough Dist. 21; Grieco of Rockingham Dist. 5 - To Constitutional Revision)

## RECESS

(Speaker in the Chair)

Rep. Henry Richardson moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 27

*Tuesday, 19 Apr77*

The House met at 12:30 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Good afternoon Lord! Heard this the other day and I thought I'd like to share it with you and my friends gathered here. It goes like this: "True statesmanship consists of discovering which way God is going and getting the obstacles out of the way."

- Gunsaulus -

May each one of us be moved to such statesmanship today that every action taken here in this place, in so far as we can determine the action, be pleasing in Your sight and make the way of Your will more clearly understood. Guide us Dear Father that we may not be obstacles but channels for Your truth, love and mercy. Amen!

Rep. Henry Richardson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Stockman, Dostilio, James Herchek, Dianne Herchek, Goff, Anthony Randall, Burrows, Forsaith Daniels, the day, illness.

Reps. Waters, Nardi, the day, illness in the family.

Reps. Marsh, Miller, Belhumeur, Bosse, Barka, Cornelius, Lucas, Callahan, Brodeur, the day, important business.

## PETITIONS

The Town of Sanbornton has petitioned the House of Representatives not to take away any present or additional funds earmarked for the cities and towns.

The Town of Litchfield has petitioned the House of Representatives not to take away any present or additional funds earmarked for the cities and towns.

## SENATE MESSAGES CONCURRENCE

HB 372, relative to authority of Franklin Pierce College and the Franklin Pierce Law Center to confer degrees.

HB 277, legalizing the Gilmore Pond dam in Jaffrey.

HB 168, prohibiting the erection of advertising devices beyond 660 feet from interstate or federal aid primary system rights of way.

HB 363, relative to the notices required for the layout of class I and II highways.

HB 373, relative to state maintenance of the road leading to the Bedell covered bridge.

HB 1, relative to the fee schedule of the recording officers.

## COMMITTEE REPORTS (Consent Calendar)

Rep. Lyons moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 661, 669, 705, 715, 677, 697 and 654, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 674, 675, 676, 678, 695 and SB 72, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HBs 109, 515 and 331, and further moved that the House adopt the committee recommendation of Refer to Interim Study Committee by the appropriate standing committees on HB 378 and HB1s 2017 and 2019.

HB 677 was withdrawn from the Consent Calendar at the request of Rep. Carrier.

HB1 2019 was withdrawn from the Consent Calendar at the request of Rep. Parolise.

Adopted.

HB 661, empowering county medical referees to authorize autopsies. Inexpedient to Legislate. Rep. Daniel Healy for Judiciary.

The unanimous opinion of the Committee is in agreement with the Attorney General's objection that passage of this bill would improperly interfere with the duties of the county medical referees' office.

HB 669, establishing rules of discipline of attorneys practicing in New Hampshire. Inexpedient to Legislate. Rep. Carrier for Judiciary.

No evidence was presented justifying this legislation. Substantial testimony was heard that existing disciplinary procedures for attorneys are adequate, are working satisfactorily, and already include many of the provisions suggested in this bill.

HB 705, allowing the entry of not guilty pleas at probable cause hearings in certain cases. Inexpedient to Legislate.

The majority of the Committee does not consider the problem presented in this bill to be of sufficient importance for legislation. Rep. Daniel Healy for Judiciary.

HB 715, relative to no-fault divorce. Inexpedient to Legislate. Rep. Poulin for Judiciary.

This bill would unnecessarily complicate divorce proceedings resulting in increased cost and emotional burden to participants.

HB 697, relative to the payment for mileage to employees of the office of legislative services. Inexpedient to Legislate. Rep. Lyons for Legislative Administration.

The Committee unanimously felt that this was not a condition of employment and had no pressing need.



HB 654, reducing the age requirement for entertainers working in bars and lounges. Inexpedient to Legislate. Rep. Cunningham for Regulated Revenues.

The Committee amended Senate Bill 48 to accomplish the intent of the sponsor of this bill who agreed that inexpedient was the proper action for this bill. The vote was 13-0.

HB 674, relative to conferences of probate judges. Ought to Pass. Rep. Currier for Judiciary.

This bill eliminates an obsolete provision in the probate laws and legalizes the existing situation regarding meetings of probate judges. Referred to Appropriations.

HB 675, relative to the definition of "minor" in the RSA chapter concerning exposing a minor to harmful materials. Ought to Pass. Rep. Ayles for Judiciary.

This bill will bring RSA 571-B into line with the other sections of the statutes, which set eighteen as the age of majority.

HB 676, relative to the burden of proof in hearings on prejudgment attachment. Ought to Pass. Rep. Currier for Judiciary.

This bill affects prejudgment attachment hearings. It shifts part of the burden of proof from the plaintiff to the defendant, requiring him to show that he has assets enough not to require an attachment.

HB 678, relative to the sale of property in settling estates. Ought to Pass. Rep. Keough for Judiciary.

The Committee felt that this bill will be of great assistance in facilitating settlement of estates.

HB 695, naming the Robert H. Whitaker highway. Ought to Pass. Rep. Coburn for Public Works.

This bill names the highway from I-93 in Concord to I-95 in Portsmouth the Robert H. Whitaker Highway in honor of the recently retired Public Works and Highways Commissioner for his outstanding achievements and service to the state of New Hampshire. The Committee passed this bill unanimously.

SB 72, instructing the commissioner of resources and economic development to erect a commemorative marker on the Hampton harbor pier commemorating the Irving N. Jones family for contributions to commercial fishing. Ought to Pass. Rep. Ruel for Public Works.

This bill was passed unanimously by the Committee to erect a commemorative marker on the Hampton Harbor Pier. It is for the many contributions that the Irving N. Jones family has made to the commercial fishing industry. Referred to Appropriations.

HB 109, designating "New Hampshire's Granite State" as a state song. Ought to Pass with Amendment. Rep. Benton for Claims, Military and Veterans Affairs.

The bill as amended establishes three additional songs as "state songs." These three, plus four previously established state songs, plus any songs which may be submitted, will be considered by a special "Hit Parade Board" which will select one song to be thereafter known as the "official state song of New Hampshire."

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to official state songs.

Amend the bill by striking out section 1 and 2 and inserting in place thereof the following:

1 State Songs. Amend RSA 3:7 by striking out said section and inserting in place thereof the following:

3:7 State Songs. The following songs are hereby declared to be the state songs of New Hampshire:

I. "Old New Hampshire" with words by Julius Richelson and music by Walter P. Smith;

II. "New Hampshire, my New Hampshire" with words by Julius Richelson and music by Walter P. Smith;

III. "New Hampshire Hills" with words by Paul Scott Mowrer and music by Tom Powers;

IV. "Autumn in New Hampshire" with words and music by Leo Austin;

V. "New Hampshire's Granite State" with words and music by Anne B. Currier;

VI. "Oh, New Hampshire (you're my home): with words and music by Brownie McIntosh; and

VII. "The Old Man of the Mountain" with words and music by Paul Belanger.

2 Repeal. RSA 3:7-a and 3:7-b relative to the second and third state songs are hereby repealed.

3 Repeal. Laws of 1977, 7:1 relative to the fourth state song is hereby repealed.

4 Effective Date. This act shall take effect upon its passage.

HB 515, establishing a study committee to investigate costs and methods necessary to update the record-keeping functions in the office of the secretary of state. Ought to Pass with Amendment. Rep. Lyons for Legislative Administration.

The Secretary of State feels this legislation is necessary to ask a committee to look into microfilming and other up-dating procedures. Unanimous vote of Committee.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee Established. There is hereby established a study committee for the purpose of investigating the costs and methods necessary to update the record-keeping functions in the office of the secretary of state. The committee shall consist of one member of the senate appointed by the president of the senate, one member of the house appointed by the speaker of the house, the secretary of state or his designee, one member of the faculty of the university of New Hampshire specializing in computer science and one member of the faculty of Dartmouth College specializing in computer science, such faculty members to be appointed by the secretary of state. Said committee shall elect one of its members as chairman. The committee shall submit its findings and recommendations in the form of a printed report to the 1979 session of the general court.

2 Effective Date. This act shall take effect 60 days after its passage. Referred to Appropriations.

HB 331, providing for the disposal of septic tank material. Ought to Pass with Amendment. Rep. Clafin for Resources, Recreation and Development.

To provide towns and outlying rural areas with disposal facilities for material (septage) pumped or otherwise removed from septic tanks or other sewerage storage facilities.

#### Amendment

Amend RSA 149-B:11 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

149-B:11 Disposal of Septage. To insure the efficient collection and disposal of material pumped from or otherwise removed from septic tanks or other sewage storage facilities, hereinafter referred to as "septage," the water supply and pollution control commission is hereby authorized and directed to require the installation and operation of a septage reception and treatment facility in conjunction with any pollution abatement project for which state or federal aid is allocated pursuant to the provisions of RSA 149-B and PL 92-500 (or subsequent amendments thereto) respectively. The incorporation of septage reception and treatment facilities as provided herein shall not be applied retroactively but rather shall apply to projects constructed after the effective date of this section. The commission is further authorized to review and approve proposed charges to be levied by municipalities for said reception and treatment of septage. The purpose of such review is to assure that the proposed service charges are equitable to all parties concerned and in no case shall municipalities be required to provide service at a financial loss. Additionally, municipalities shall not be required to receive and treat septage in such amount or at such times as would interfere with proper operation of

municipal treatment and disposal facilities. Nothing contained herein shall be construed to limit or modify in any way the authority conferred upon the division of public health services, state department of health and welfare under the provisions of RSA 147, in connection with public dumping facilities or removal, transportation and disposal of putrescible material.

HB 378, to reclassify a certain highway in the city of Laconia. Refer to the Committee on Public Works for Interim Study. Rep. Martineau for Public Works.

The Committee has received several requests for assistance in compact areas, and this will be handled in line with other problems relating to compact zones.

HBI 2017, relating to the classification of the portions of highways within the compact sections of cities and towns. Refer to the Committee on Public Works for Interim Study. Rep. Cummings for Public Works.

Numerous bills were introduced dealing with specific situations. Therefore, the Committee felt the entire subject matter should be studied in order to come to a more equitable decision.

#### THREE-DAY EXTENSIONS GRANTED

HB 461, relative to the qualifications of alarm installers.

HB 154, relative to agreements for open listing of real estate.

HB 326, adopting the provisions of the uniform vehicle code pertaining to the operation of emergency vehicles.

#### SIX-DAY EXTENSIONS GRANTED

HB 626, relative to security deposits and alternative payment plans of public utilities.

HB 627, prohibiting certain advertising and expenditures by electric, gas and telephone utilities.

HB 638, requiring the dating of retail containers of dairy products.

HB 628, relative to the powers of the fish and game commission and the appointment and duties of the director of the department of fish and game

HB 590, relative to a return transfer of funds from the division of welfare to the division of mental health.

HB 621, relative to the placement of children in licensed facilities.

HB 622, relative to the responsibility for public medical assistance.

HB 623, relative to reporting of collateral resources by a welfare recipient and persons liable for support of a dependent child or of a welfare recipient.

HB 624, relative to the maintenance and care of a child voluntarily placed with an agency by the town in which the child resides.

HB 640, relative to the regulation of physical therapists.

HB 647, repealing the penalty for neglecting children.

HB 70, requiring the state to assume Lancaster's ownership interest in a covered bridge between Lancaster, New Hampshire and Lunenburg, Vermont.

HB 620, relative to contributions in the unemployment compensation law.

HB 615, relative to interest charges charged upon all taxes other than resident taxes not paid on time.

HB 630, relative to the voting of members of the municipal budget committee.

HB 644, relative to the definition of subdivision under the planning laws.

HB 605, to provide a special liquor and beverage license for race tracks.

HB 617, relative to the free enterprise system and the sale of wine.

HB 629, altering gross weight and axle distribution limits for 5 axle trucks; providing for an increase in registration fees; and limiting vehicle loads to the rated capacity as determined by the manufacturer.

HB 648, clarifying certain penalty provisions in the uniform motor vehicle certificate of title and Anti-Theft Act.

#### COMMITTEE REPORTS

##### (Regular Calendar)

HB 7, increasing the number of resident New Hampshire members of the New England Board of Higher Education. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Allows the appointment by the Governor of 6 resident members of New Hampshire to the New England Board of Higher Education.

#### Amendment

Amend RSA 200-A:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

200-A:3 Membership of Board. The governor shall appoint 6 resident members from New Hampshire who shall be members of the New England Board of Higher Education. One of such resident members shall always be the chancellor of the university system, the second shall always be the president of the university of New Hampshire, the third shall be the president of Keene state college, the fourth shall be the president of Plymouth state college, the fifth shall be a member of the legislature of New Hampshire and the sixth shall be a citizen of the state designated by the governor as his responsible representative. The first appointment of the member who is a state legislator shall be for a term of 2 years, thereafter his term shall be for 4 years, provided that if during said term said member shall cease to be a member of the legislature his term as a member of the New England board of Higher Education shall terminate and the governor shall fill said vacancy in the same manner as above provided for appointment of the legislator member. The term of office of the sixth New Hampshire member of the board shall be for 4 years and until his successor is appointed and qualified. The

state legislator and the citizen member shall receive \$15 per day compensation for time actually spent in their work as a member of the New England Board of Higher Education, provided that the total for per diem compensation and expenses for the state legislator and the citizen member of the board shall not exceed the sum of \$500 during any one fiscal year. All expenses and per diem compensation shall be audited by the comptroller as expenses of other employees are audited, and shall be a charge against any appropriation provided for this purpose.

Amendment adopted.

Ordered to third reading.

HB 44, establishing a legislative committee to study the feasibility of the state preserving farm land by the purchase of land, development rights or easements and making lands so preserved available for agricultural purposes by lease back or renting to bona fide farm operators. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The Committee determined that there is sufficient expertise within the legislature concerning farming affairs to justify the reduction of the number of members on the committee.

The amendment provides that the committee be composed of 3 members of the House, 2 members of the Senate, and the Commissioner of Agriculture or his designee. By eliminating 2 members of the public and a representative of the municipal association from the membership, the amendment allows the bill to pass without an appropriation. All expenses incurred by members of the legislature shall be drawn from the non-lapsing funds of both the House and Senate. Expenses of the Commissioner of Agriculture or his designee shall be a charge against the general operating appropriation of that department.

The Appropriations Committee agrees with the unanimous opinion of the Committee on Environment and Agriculture that since New Hampshire farmlands are disappearing into development at the rate of thousands of acres per year, the state should study methods of preserving prime agricultural land.

#### Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Committee Established. There is hereby established a study committee for the purpose of investigating all aspects of the feasibility of having the state purchase farm lands on the open market, development rights and easements, to preserve farm lands for agricultural uses by leasing back or renting to bona fide farm operators. The committee shall develop guidelines to assure said lands



will be managed in accordance with sound agricultural practices and for the purpose of this study the committee may make an inventory of state owned farm lands and investigate methods of financing the purchase of any additional farm lands. The committee shall consist of 3 members of the house of representatives appointed by the speaker; 2 members of the senate appointed by the president of the senate; and the commissioner of agriculture or his designee. The commissioner of agriculture or his designee shall call the first meeting of the committee at which time the committee shall elect one of its members as chairman. The committee members shall receive no compensation, but the legislative members shall be entitled to legislative mileage and other members shall be entitled to the mileage as paid state employees for their duties performed in connection with the committee study. The committee shall have the full cooperation of all state agencies in connection with this study. The committee shall submit its findings and recommendations in the form of a report on or before July 1, 1978 to the speaker of the house and the president of the senate.

Amendment adopted.

Ordered to third reading.

HB 46, establishing a special committee to study alternate forms of county government and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

In view of the number of bills which established interim study on this topic over the past four years, the Committee believes that this issue is not a priority at this time. Committee vote unanimous. Resolution adopted.

HB 91, relative to assessing a charge for checks returned to all state agencies. Ought to Pass. Rep. Tucker for Appropriations.

This bill requested by the Secretary of State was amended to include all state agencies. It permits any state agency to assess a fee of \$5 for any check that is returned to a state agency office as uncollectible. Ordered to third reading.

HB 103, relative to licensing fees for real estate brokers and salesmen. Ought to Pass. Rep. Tucker for Appropriations. This bill will allow the Real Estate Commission to generate additional revenue to cover higher administration and examination costs. Revenue raising not a spending bill. Committee vote was unanimous. Ordered to third reading.

HB 191, to establish a state liquor store at the Belknap mall in Belmont and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

This liquor store would not provide any additional revenue at this time, nor a service to the people in the area.

Resolution adopted.

HB 226, relative to making a supplemental appropriation for the veterans' home. Inexpedient to Legislate. Rep. Tucker for Appropriations.

The Veterans' Home requested that the bill be reported as Inexpedient to Legislate as the appropriation requested had been granted by Governor and Council as provided by footnote in present operating budget. Resolution adopted.

HB 263, relative to the emergency generator at the state prison. Ought to Pass. Rep. Tucker for Appropriations.

HB 263 calls for an amendment of the 1975 capital budget which permits the purchase of a new 250 KW generator rather than rehabilitating an existing 60 KW generator. It does not change the appropriation. Also, a new 250 KW generator would be able to supply the prison with 100% of its present and planned electrical needs, whereas the repair of the old 60 KW generator would only supply 44% of its present needs.

Ordered to third reading.

HB 291, making an appropriation to the department of resources and economic development for grants and loans for projects authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965. Ought to Pass. Rep. Tucker for Appropriations.

This bill would provide the required state funds necessary to implement Federal funds under the Public Works and Economic Development Act of 1965. Ordered to third reading.

HB 304, providing for the establishment of loan fund revolving accounts which meet certain federal requirements. Ought to Pass. Rep. Tucker for Appropriations.

Establishes a loan fund revolving program in accordance with Federal regulations as recommended by the Department of Education and the Comptroller's Office. No appropriation needed. Ordered to third reading.

HB 335, appropriating funds for the current use advisory board. Inexpedient to Legislate. Rep. Tucker for Appropriations.

The bill was requested by the Department of Revenue Administration to compensate for an oversight in their originally submitted budget. The subcommittee agrees to include the funds (\$1,000) in the appropriate line item of the budget therefore removing further need for action on the bill. The sponsor concurs. Resolution adopted.



HB 374, increasing certification fees for psychologists and removing the requirement of citizenship. Ought to Pass. Rep. Tucker for Appropriations.

This bill will allow the Board of Psychologists to set the certification fee at a level commensurate with the cost of conducting the examination. It also removes a citizenship requirement that is in contradiction with N.H. RSA 332-A:2. Committee vote unanimous.  
Ordered to third reading.

HB 668, authorizing the university system of New Hampshire to acquire fire, theft, and casualty insurance. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Provides the university system the opportunity to protect the value of donated property by insurance.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Fire and Casualty Insurance Acquisition. Amend RSA 187:8-a as inserted by 1961, 23:1 by striking out said section and inserting in place thereof the following:

187:8-a Acquisition of Fire and Other Casualty Insurance. Provisions of RSA 9:27 to the contrary notwithstanding, the trustees of the university system of New Hampshire are authorized to acquire fire, theft, casualty and vandalism insurance to cover donated property, real and personal.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

#### ENROLLED BILLS REPORT

HB 137, requiring permission from the trap owner before a duly licensed trapper may tend another trapper's traps.

HB 186, providing for seasons and bag limits on snowshoe hares and cottontail rabbits and defining small game.

HB 307, allowing town selectmen or city councils to set beano license fees.

HB 372, relative to authority of Franklin Pierce College and the Franklin Pierce Law Center to confer degrees.

HB 120, making supplemental appropriations to the board of engineers and the office of health planning and development.

HB 373, relative to state maintenance of the road leading to the Bedell covered bridge.

HB 377, relative to state aid for AREA vocational students.

HB 330, relating to the reclassification of certain highways in the town of Ossipee.

HB 319, providing for payment of a claim to David F. Carter and making an appropriation therefor.

HB 184, relative to minimum insurance coverage required for aircraft operated for hire and relative to requirements for security deposits and self-insurer certificates.

HB 141, clarifying the authority to maintain traffic control upon entering the state highway system.

HB 71, to reclassify a certain highway in the city of Dover.

HB 25, relative to the maximum amounts of group life insurance for employees.

HB 200, permitting a court to require a delinquent child to make restitution.

Rep. Joseph E. Martin  
For the Committee.

#### COMMITTEE REPORTS (cont'd)

HB 408, authorizing savings banks to lend investment securities. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill will help savings banks to increase earnings from their securities portfolios.

#### Amendment

Amend RSA 387:24-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

387:24-b Loan of Securities. In order to increase income from investment securities, any savings bank may loan to brokerage firms which are members of the New York Stock Exchange any stocks, bonds or other securities in which such bank has invested under this chapter provided that:

I. Every such loan shall be executed through a correspondent bank having assets of not less than \$500,000,000.

II. At the inception of any such loan of securities at least 100 percent of the market value of the securities lent shall be secured by cash or debt obligations of the United States or debt obligations for which the faith and credit of the United States is pledged for the payment of the principal and interest thereof;

III. At all times during the term of any such loan the collateral securing the same shall be equal in value to not less than 95 percent of the market value of the securities lent;

IV. The market value of the securities loaned by any savings bank under the authority of this section shall not, at any one time, exceed 10 percent of the aggregate market value of all stocks, bonds or other securities then held by such bank as investments under this chapter; and

V. No such loan of securities shall be made to any brokerage firm which is then listed for and under special surveillance by the New York Stock Exchange in the belief that such brokerage firm is in or is approaching financial difficulty, and which is, at the time, the subject of any pending notice given by the New York Stock Exchange to the Securities Investor Protection Corporation (SIPC) and the Securities and Exchange Commission

pursuant to section 5 (a) (1) of the Securities Investor Protection Act of 1970 (15 U.S.C. S 78 eee (a) (1)).

VI. Every brokerage firm receiving a loan of securities under this section shall be registered, and every agent soliciting such a loan of securities shall be licensed, with the securities division of the New Hampshire insurance department pursuant to RSA 421.

Amendment adopted.

Ordered to third reading.

HB 613, relative to investments by savings banks in unsecured loans. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill will simplify procedures for savings bank and cooperative bank borrowers. The Committee vote was unanimous.

Amendment

Amend RSA 387:5, IV (d) as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(d) The total amount loaned or agreed to be loaned to any one person at any time under this paragraph shall be limited to \$2,500 exclusive of interest or discount, if the guaranty fund of the bank is not full or is impaired.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Unsecured Open-End Loans. Amend RSA 393:15-a by inserting after paragraph VI the following new paragraph:

VII. In loans pursuant to an open-end credit plan, based on the general credit worthiness of the borrower and any other parties thereto, provided:

(a) Loans pursuant to any open-end credit plan shall be evidenced by a written loan agreement signed by the borrower, with or without a guarantor or guarantors, containing a specific loan limit and the borrower's promise to repay all amounts or credit advance thereunder and any interest or finance charges in a manner therein provided, and may also be evidenced by a note or notes of the borrower and any other parties to the transaction.

(b) No loan association or cooperative bank shall invest in a loan under this paragraph which exceeds 2 percent of its capital funds unless suitable current data is furnished to the bank showing that the borrower and his co-signers, endorers or guarantors, if any, have a combined net worth of at least \$50,000 or 20 percent in excess of the original loan amount (or of the loan limit in the case of a loan pursuant to an open-end credit plan), whichever net worth requirement is less; and the aggregate unpaid balance owed to any loan association or cooperative bank on loans in excess of 2 percent of its capital funds shall not exceed 5 percent of the deposit of such loan association or cooperative bank.

(c) The total amount loaned or agreed to be loaned to any one person at any time under this paragraph shall be limited to \$2,500 exclusive of interest or discount, if the guaranty fund of the bank is not full or is impaired.

(d) For purpose of this paragraph, the term "open-end credit plan" means an agreement under which borrowers may obtain loans from time to time, may pay the balance of such loans in full or in installments and may be required to pay a finance charge computed by the bank from time to time on unpaid balances.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

Reps. Marshall French and Chambers moved to inform the Senate that the House is ready to meet in Joint Convention for the purpose of receiving Mr. Saud Shawwaf, the delegate of the Crown Prince of Saudi Arabia.

Adopted.

#### COMMITTEE REPORTS (cont'd)

HB 746, to eliminate discrimination against non-citizens in the granting of liquor licenses, selling or delivering of liquor or any other occupation, profession or business activity. Ought to Pass.

Rep. Foley for Constitutional Revision. Since resident aliens are an integral part of New Hampshire society--they pay taxes, support the economy and contribute in many other ways; and, since there are many court rulings stating that classifications based on alienage are inherently suspect; and, since it is the state that must meet the burden of showing that the classifications are necessary to protect the interest of the state and has not done so, the committee feels that this bill ought to pass.

Unanimous vote.

Ordered to third reading.

#### JOINT CONVENTION

The Speaker introduced Mr. Saud Shawwaf, delegate of the Crown Prince of Saudi Arabia, who addressed the Joint Convention.

Mr. Speaker, Mr. President, Honorable members of the House and Senate.

It is indeed a great privilege for me to be addressing you here in New Hampshire at this time.

A great state that was first in many aspects of American history and is still first in many aspects of every day American life right now.

His Royal Highness Prince Sahd, the Crown Prince of Saudi Arabia and the First Prime Minister had entrusted a small group to come to the United States and convey a message of good will, stressing the traditional relationship between the United States and the Kingdom of Saudi Arabia.

We owe our wealth, to God first and then second, to the pioneer spirit of those Americans that went there and put risk capital and produced the oil that we have in abundance right now in Saudi Arabia.

Our relations started in 1933 and they have been growing closer and firmer year by year. At the moment we are building a nation. We are in demand of a great deal of services, goods and know how, and we are looking to the United States to get these aspects of progress from the United States

In return we are shipping a great deal of our oil to this country. We do not have to produce as much as we are doing per day. Our implementation of the plant we have requires us to produce only about four million barrels per day but we are going much more beyond that in order to meet our international responsibility.

The message we are to convey is very simple, but important. We are in an age of interdependence. We can not isolate one country from the other. We need the United States and we feel, at least partially, the United States needs us.

But beyond the economic interest, I believe there are two other aspects that have to be emphasized. There is the cultural aspect. I am a product of my generation that has been educated 20 years ago in this country and I represent about 5,000 people who came as young men, studied here in this great country, and are back contributing as much as we can to our society. At this time we have 7,000 Saudi Arab students in this country. At least 70 per cent of which are undergraduate level. Taking the size of Saudi Arabia and the population, this provides an excess of great cultural exchange. We have great affection and respect to the way of life in the United States and most of our young men are trained in the system in the United States are looking forward to a closer relationship.

A final community of interests that Saudi Arabia and the United States have together is our ideology, we still believe in the individual freedom, individual initiative, the system of free enterprise, the basic human rights, and equal justice to all under law.

And what is very important indeed, we still consider ourselves the most anti-communist country in the world.

Having these communities of interest between Saudi Arabia and the United States, I can only convey the message again that we should look forward in the future for more cooperation and understanding between our two countries.

Sen. Saggiotes and Rep. Marshall French moved that Mr. Saud Shawwaf's remarks be printed in the Journal.

Adopted.

Sen. Downing and Rep. Marshall French moved that the Joint Convention adjourn.

Adopted.

#### COMMITTEE REPORTS (cont'd)

HJR 2, to provide for the application by the State of New Hampshire to the Congress of the United States for the calling of a convention for proposing an amendment to the Constitution of the United States. Inexpedient to legislate. Rep. Joncas for Constitutional Revision. Same problem as HJR 1. Resolution adopted.

HB 691, relative to a program for special education. Ought to Pass with Amendment. Reps. Krasker and William Boucher for Education.

Passage of HB 691 clarifies original legislation passed in 1973 relating to education of the handicapped and allows the state of New Hampshire to qualify for federal funds currently allocated under PL 94:142. Committee vote was unanimous.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Program Established. Amend RSA 186-A:3 (supp) as inserted by 1965, 378:1 by striking out said section and inserting in place thereof the following:

186-A:3 Program Established. The state board of education shall maintain a section of special education within the funds appropriated or available and shall appoint such personnel as may be necessary for the proper operation of said section.

Amend the bill by striking out section 5 and 6 and inserting in place thereof the following:

5 Appeal of Assignment. Amend RSA 186-A:8, V (supp) as inserted by 1965, 378:1 as amended by striking out said paragraph and inserting in place thereof the following:

V. Appeal of assignments under this section may be made to the state board of education pursuant to RSA 193:3.

6 Effective Date. This act shall take effect September 1, 1978.

Amendment adopted.

Ordered to third reading.

HB 717, relative to loan pay-back requirements for resident veterinary medical students. Ought to Pass with Amendment. Rep. Brack for Education.

The bill, as amended, gives veterinary students a four year extension in which to pay back loans. The terms of repayment remain the same. Vote unanimous.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Repayment of Funds. Amend RSA 332-C:4 (supp) as inserted by 1972, 60:68 as amended by inserting in line 5 after the words "on the" the following (fourth)



so that said section as amended shall read as follows:

332-C:4 Repayment of Funds. The state comptroller shall prepare a note for signature of a recipient hereunder. The note shall be in an amount that equals the amount paid by the state treasurer for their respective enrollment. Repayment of the note shall be made in equal annual installments beginning on the fourth anniversary date of the recipient's graduation date or termination of enrollment, whichever shall first occur. Within a period equal to 3 times the number of school years of his respective enrollment, all installments shall be paid in full to the state comptroller. The comptroller shall reduce any annual installment by 1/4, providing the recipient has practiced veterinary medicine on a full-time basis in New Hampshire during 8 of the preceding 12 months.

Amendment adopted.

Referred to Appropriations.

HB 562, relative to the establishment of a human rights committee for the developmentally disabled. Inexpedient to Legislate. Rep. Madeline Townsend for Health and Welfare.

This bill was voted Inexpedient to Legislate by the Committee as there are already laws that relate to this bill. It was also felt that the reason for this bill was that we had been without a Mental Health Director and that laws or orders could not be carried out but now that we have a Director of Mental Health the laws relating to this matter can be enforced and carried out. Committee vote was 11-1.  
Resolution adopted.

HB 719, redefining the term "practical nursing" in the law relative to registered nurses and practical nurses. Inexpedient to Legislate. Rep. Alter for Health and Welfare.

This bill was to provide a physician's assistant to help relieve the physician problem at the Sullivan County Home. It was considered unnecessary and voted Inexpedient to Legislate by the Committee as other arrangements were made to correct the problem that the county home was having regarding this matter. The correction was made the day of the public hearing on this bill. The vote of the Committee was 15-0.  
Resolution adopted.

HB 129, exempting certain persons from the laws relative to exposing minors to harmful material. Ought to Pass with Amendment. Rep. Martin for Judiciary.

The amendment to this bill gives much needed protection to librarians, library employees and teachers from prosecution for disseminating

materials which may be deemed harmful to minors or obscene.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

exempting certain persons from prosecution relative to exposing minors to harmful material or obscenity.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exempting Employees of Certain Institutions. Amend RSA 571-B by inserting after section 3 the following new section:

571-B:4 Exemptions. No employee of any public school, any approved non-public school so designated by the state board of education, any accredited public or non-public educational institution, the state library or any other public library as defined under RSA 41:21 and RSA 202-A:21, acting in good faith and in his or her official capacity, shall be prosecuted under RSA 571-B until the material involved is material which has resulted in the final conviction of a person under RSA 571-B or RSA 650.

2 Exempting Employees of Certain Institutions. Amend RSA 650:3 as inserted by 1971, 578:1 by striking out said section and inserting in place thereof the following:

#### 650:3 Exemptions.

I. A motion picture projectionist or motion picture machine operator who is regularly employed by anybody to operate a projecting machine in a public motion picture theater shall not be guilty of a violation under this chapter because of the picture which is being projected if he is required to project it as part of his employment.

II. No employee of any public school, any approved non-public school so designated by the state board of education, any accredited public or non-public educational institution, the state library or any other public library as defined under RSA 41:21 and RSA 202-A:21, acting in good faith and in his or her official capacity shall be prosecuted under RSA 650 until the material involved is material which has resulted in the final conviction of a person under RSA 650.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 677, limiting the toll-free use of New Hampshire highways by members of the general court. Inexpedient to Legislate. Rep. Lyons for Legislative Administration. The Committee felt that this bill was not enforceable as written. Unanimous Committee vote.



Rep. Currier moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Lyons, Parr, Bridges, Richard Hanson, Coutermarsh and Wilfrid Boisvert spoke against the motion.

Reps. Splaine and Brody spoke in favor of the motion.

Rep. Hildreth moved the previous question. Sufficiently seconded. Adopted

A roll call was requested.

Sufficiently seconded.

(Speaker presiding)

YEAS-36 NAYS 283

YEAS 36

BELKNAP: Nighswander.

CARROLL: None.

CHESHIRE: Hogan and Elmer Johnson.

COOS: Huggins, Patenaude and Poulin.

GRAFTON: Gemmill, Taffe and Taylor.

HILLSBOROUGH: Corser, Currier, Joseph Eaton, Girolimon, Granger, LaFleur, Martin, Fred Murray, Nemzoff-Berman, Normand, Seamans and Emma Wheeler.

MERRIMACK: Bodi and Rice.

ROCKINGHAM: Carpenito, Cunningham, Rossley, Scamman, Schwaner and Splaine.

STRAFFORD: Burchell, Canney and Valley.

SULLIVAN: Barrus, Frizzell, Lewko and Scott.

NAYS 283

BELKNAP: Ambrose, Beard, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray and Sanders.

CARROLL: Roderick Allen, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Krause, Marshala, Matson, Moore, Parker, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Crory, Dearborn, Duhaime, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Glynetta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Bednar, Belanger, Albert Bellemore, Wilfrid Boisvert, Roland Boucher, Brack, Bridges, Brody, Burke, Carswell, Coburn, Mark Connolly, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drenniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Lachance, Lamy, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martineau, McDonough, McGlynn, McLaughlin, Morgan, Morrison, Kerry O'Connor, Timothy O'Connor, O'Neil, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Simard, Edward Smith, Leonard Smith, Soucy, St. George, Stahl, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallin, Geraldine Watson, Welch, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly B. Johnson, Kidder, LaBonte, Donna MacIvor, McLane, Mullin, Packard, Pelton, Pratt, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stefanides, Tarr, Doris Thompson, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Appel, Bisbee, Blake, Blanchette, William Boucher, Campbell, Connors, Cotton, Cutcliffe, Danforth, Davis, Robert Day, Dunfee, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Gaskill, Gould, Grieco, Hartford, Hoar, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Sanborn, Skinner, Alfreda Smith, Stimmell, Tavitian, Vlack, Webster, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Donald Smith, Torrey, Tripp, Voll, Shirley White and Allen Wilson.

SULLIVAN: Desnoyer, Gray, Ingram, LeBrun, Palmer, Spaulding, Sara Townsend and George Wiggins, and the motion lost.

Rep. Baker moved that HB 677 be indefinitely postponed.

Adopted.

HB 658, providing full pay for persons injured and covered under the purview of workmen's compensation. Inexpedient to Legislate. Rep. Cutcliffe for Labor, Human Resources and Rehabilitation.

HB 619, extending the open season on pheasant to December first and eliminating the restriction on taking female pheasants. Inexpedient to Legislate. Rep. Polak for Fish and Game.

The Committee vote was 15-1. The Committee felt this might eliminate the carryover of pheasants in our southern counties.

HB 660, relative to records of professional standards review organizations. Inexpedient to Legislate. Rep. Currier for Judiciary.

This bill is unnecessary because present statute protects confidentiality of records.

HB 183, relative to the assessment of taxes and the date upon which interest as penalty may be charged for late payment. Inexpedient to Legislate. Rep. Faucher for Municipal and County Government.

The intent of this bill is better effected by another bill currently before the Committee.

HB 444, relative to the powers of the city council of Dover; providing for council confirmation of all appointments made by the city manager, and providing for removal from office by the council. Inexpedient to Legislate. Rep. Roy Davis for Municipal and County Government.

The sponsor wished to withdraw the bill.

HB 480, to identify operators of motor vehicles convicted of driving under the influence of liquor or drugs. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee, while appreciating the sponsor's good intent, seriously doubts the constitutionality of identifying drivers convicted of DWI with a sticker on the windshield of their car.

Primarily the Committee feels that the convicted DWI driver is not the only person to drive the stickered car. The effect would be to "brand" unnecessarily other members of a family for something they did not do. The Committee further sees that even for murder our society doesn't sticker violators believing that such a brand does more harm to the individual than it aids society.

HB 666, relative to driver license fees. Inexpedient to Legislate. Rep. James Murray for Transportation.

According to the Department of Safety which would handle the processing of these pro rata refunds, these rebates would cost the state twice as much money to process as the rebate is worth.

The Committee unanimously feels that for the few people this rebate may aid it isn't worth the Department of Safety's extended effort to reprogram its computers.

HB 693, requiring a transferee to deliver a certificate of title to the director of the division of motor vehicles. Inexpedient to Legislate. Rep. James Murray for Transportation.

The sponsor and the Department of Safety for which this bill was sponsored requested this bill be withdrawn.

SB 60, extending the deer season for muzzle-loaders under certain conditions. Inexpedient to Legislate. Rep. Polak for Fish and Game.

This bill makes the muzzle-loaders season two months long and fifteen days late in the season would be hard on our deer herd. The Committee vote was 15-0.

SB 95, relative to the taking of yellow perch and white perch for commercial sale. Inexpedient to Legislate. Rep. Scott for Fish and Game.

This bill commercializes sport fishing. The Committee felt that there was a big problem with law enforcement in this bill. Vote 15-0.

HB 659, requiring a minimum of 2 years residency before applying for free hunting or fishing license, or both. Ought to Pass. Rep. Felch for Fish and Game.

This bill tightens up the law on qualifications for the over 68 years free hunting and fishing licenses. The Committee vote was 12-1.

HB 465, redefining the term "emergency vehicles" in the motor vehicle laws. Ought to Pass. Rep. James Murray for Transportation.

The title of this bill suggests it contains more than it actually does. What the bill does is change the words "of public" to "or public" in RSA 259:1 (supp). This is a typographical error the Department of Safety, for which this bill was sponsored, has just recently found and sought to correct the error.

SB 83, relative to wild turkeys. Ought to Pass. Rep. Stimmell for Fish and Game.

The bill sets up ground rules for future season on wild turkeys when and if the population warrants it. The vote was 15-1.

Referred to Appropriations.

HB 287, relative to defining limited access highways in regulating OHRVs. Ought to Pass with Amendment. Rep. James Murray for Transportation.

shall not become effective until April first next following the action taken to rescind.

V. If the provisions of this subdivision are adopted, the provisions of RSA 72:39, RSA 72:43-b and RSA 72:43-c are no longer effective in that city or town, however, under no circumstances shall less benefits be given under the provisions of RSA 72:43-e and RSA 72:43-f than those provided under RSA 72:39, RSA 72:40, 72:43-b and 72:43-c. If the provisions of RSA 72:43-a and RSA 72:43-f are rescinded by a city or town, RSA 72:39 and RSA 72:40 shall take effect when rescission becomes effective, unless the city or town votes to adopt the provisions of RSA 72:43-b and 72:43-c.

72:43-e Expanded Exemptions on Real Estate for Elderly; Assessed Value.

I. Residential real estate, as defined by RSA 72:29, II, shall be exempt from taxation as specified in subparagraphs (a), (b) or (c) as follows:

(a) A resident 65 years of age up to 75, a \$5,000 exemption; or

(b) A resident 75 years of age up to 80, a \$10,000 exemption; or

(c) A resident 80 years of age or older, a \$20,000 exemption.

II. Additional requirements for an exemption in all of the respective age categories pursuant to paragraph I shall be that the property is:

(a) Owned by the resident; or

(b) Owned by a resident jointly or in common with his spouse, either of whom meets the age requirement for the exemption claimed; or

(c) Owned by a resident jointly or in common with a person not his spouse, if the resident meets the applicable age requirement for the exemption claimed; or

(d) Owned by a resident, or his spouse, either of whom meets the age requirement for the exemption claimed, and has been living with his spouse as man and wife at least 5 years.

72:43-f Other conditions; Assessed Value. No exemption shall be allowed under RSA 72:43-e unless the person applying therefor:

I. Has resided in this state for at least 5 years preceding April first in the year for which the exemption is claimed.

II. Had in the calendar year preceding said April first a net income from all sources of less than \$7,000, or if married, a combined net income of less than \$9,000, such net income to be determined by deducting from all monies received from any source whatsoever the amount of any of the following or the sum thereof;

(a) Life insurance paid on the death of an insured;

(b) Expenses and costs incurred in the course of conducting a business enterprise;

(c) Proceeds from the sale of assets;

(d) Social security payments.

III. Owns assets of any kind, tangible or intangible, less bona fide encumbrances, not in excess of \$35,000.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 466, permitting cities and towns to set their own fee schedules for dog licenses. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

The Committee concurs with the Department of Revenue Administration that varying fees would be confusing and that the current law providing for uniform statewide fees is more equitable.

Resolution adopted.

HB 471, relative to the tobacco tax. Ought to Pass with Amendment. Rep.

Sanborn for Regulated Revenues.

This bill, as amended, makes three changes to the tobacco tax chapter RSA 78:

1. Clarifies the definition of "manufacturer".

2. Provides for a penalty for late payment of the tobacco tax stamps 1% per month from the date on which the amount becomes due and payable until the date of payment. Thus conforming to all other taxes required to be paid to the state which carry an interest rate if they are not timely paid.

3. Deletes obsolete reference under RSA 78:24 (Supp.) (Division of Tobacco Products). Now called the Department of Revenue Administration.

Amendment

Amend RSA 78:9, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. Any manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer who fails to pay any amount owing to the purchase of stamps or meter-registered settings within the time required shall pay, in addition to the amount, interest at the rate of 1 percent per month from the date on which the amount becomes due and payable until the date of payment.

Amendment adopted.

Ordered to third reading.

SB 48, forbidding entertainers less than 18 years of age from working in places where liquor or beverage is sold. Ought to Pass with Amendment. Rep. Cunningham for Regulated Revenues.

The Committee felt that the present law prohibiting sixteen and seventeen year-olds, who are talented entertainers, from performing in liquor-serving establishments was unfair.

The bill, as amended, would allow sixteen and seventeen year-olds to entertain in these establishments. The Committee felt that the policing by the licensee would be sufficient. The vote of the Committee was 12-1.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

forbidding entertainers less than 16 years of age from working in places where liquor or beverage is sold.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Persons Under 16 Years. amend RSA 175:8-d, I (supp) as inserted by 1971, 225:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. No person licensed to sell liquor under RSA 178 or beverage under RSA 181 may employ as an entertainer any person who is under 16 years of age on the premises where liquor or beverage is sold.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 592, relative to the fee for obtaining a license to use radioactive materials. Ought to Pass with Amendment. Rep. Edward Smith for Science and Technology.

The Committee amendment increases the fee schedule for obtaining a license to handle radioactive materials in order to fund the position of radiation specialist in the Radiation Control Agency. There has not been a fee increase since 1965 to keep pace with increased enforcement responsibilities in such areas as X-ray diagnosis in medical and dental practice.

The hearing testimony, by those licensees who would have to pay the added cost was in favor of such an increase. The Committee vote was unanimous.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the fee for obtaining a license to use radioactive materials and creating the position of radiation specialist and making an appropriation therefor.

Amend RSA 125:62, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. The agency shall assess annual fees for the licensing and/or registration of sources and devices emitting ionizing radiation in accordance with the following schedule:

(a) Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, \$55;

(b) All other specific special nuclear material licenses except those licenses covered in subparagraphs (o), (p), (q), (r), (s), (t), (u), and (v) of this paragraph, \$165;

(c) Licenses for source material for use in milling operations and licenses for refining mill concentrates to uranium hexafluoride, \$11,000;

(d) Licenses for source material in quantities greater than 50 kilograms except licenses for storage only and licenses for use only of source material in counterweights, \$150;

(e) All other specific source material licenses except those licenses covered in subparagraphs (o), (p), (r), (s), (t), (u) and (v) of this paragraph, \$90;

(f) Licenses of broad scope, type A, for possession and use of radioactive material for processing or manufacturing of items containing radioactive material for commercial distribution that require product safety evaluation, \$2,200;

(g) Licenses of broad scope, type A, for possession and use of radioactive material for processing or manufacturing of items containing radioactive material where no product safety evaluation is required, \$1,000;

(h) Licenses for radioactive material issued for industrial radiography operations at one location, \$300;

(i) Licenses for radioactive material issued for industrial radiography operations at more than one location, \$545;

(j) Licenses for possession and use of radioactive material in quantities of less than 10,000 curies in sealed sources for irradiation of materials, \$100;

(k) Licenses for possession and use of radioactive materials in quantities of 10,000 curies or more in sealed sources for irradiation of materials, \$195;

(l) Licenses issued to distribute items containing radioactive material or quantities of radioactive material to persons generally licensed, except specific licenses authorizing redistribution of items which have been manufactured under a specific license and licensed by the agency, the U.S. Nuclear Regulatory Commission, or any state with which the U.S. Nuclear Regulatory Commission has entered into an agreement under subsection 274b of the Atomic Energy Act of 1954 (68 Stat. 19), or redistribution of items which has been imported under a specific license issued by the U.S. Nuclear Regulatory Commission, \$365;

(m) Licenses for possession and use of radioactive material for research and development except those licenses covered in subparagraphs (f) or (g) of this paragraph, and licenses covered in subparagraphs (t) or (u) of this paragraph authorizing medical research, \$250;

(n) All other specific radioactive material licenses except those in subparagraphs (o), (p), (q), (r), (s), (t), (u), and (v) of this paragraph, \$45;



(o) Waste disposal licenses specifically authorizing the receipt of waste radioactive material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land by the waste disposal licensee, \$3,250.

(p) Waste disposal licenses specifically authorizing the receipt of waste radioactive material, source material, or special nuclear material from other persons for the purpose of commercial disposal by the waste disposal licensee by transfer to another person authorized to receive such material, \$450;

(q) Licenses for possession and use of special nuclear material and radioactive material for well logging, well surveys, and tracer studies, \$295;

(r) Licenses for commercial collection and laundry of items contaminated with radioactive material, source material, or special nuclear material, \$365;

(s) Licenses issued for human use of radioactive material, source material, or special nuclear material in sealed sources contained in teletherapy devices, \$145;

(t) Licenses issued to medical institutions of 2 or more physicians for human use of radioactive material, source material, or special nuclear material except licenses covered in subparagraph (s) of this paragraph, \$180;

(u) Licenses issued to a physician for human use of radioactive material, source material, or special nuclear material except licenses covered in subparagraph (s) of this paragraph, \$75;

(v) Licenses for possession and use of radioactive material, source material, or special nuclear material for civil defense activities, \$40;

(w) Registrations issued for diagnostic-type x-ray machine, including medical, medical fluoroscopic, dental, chiropractic, veterinary, or similar uses, \$20; for each additional machine at the same location, \$10;

(x) Registrations issued for therapeutic-type x-ray machines and particle accelerators capable of being operated at potentials not above 500,000 volts (per unit), \$45;

(y) Registrations issued for therapeutic-type x-ray machines, and particle accelerators capable of being operated at potentials above 500,000 volts (per unit), \$175;

(z) Registrations issued for industrial x-ray machines, including fluoroscopic, x-ray fluorescence, and x-ray diffraction units (per unit), \$45.

Amend RSA 125:62, VI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VI. Any person or organization may elect to pay a combination license and registration fee of \$550 in lieu of a multiplicity of separate license and/or registrations fees, except for license fees covered in subparagraphs (c), (f),

(g), and/or (o) of paragraph V. the combined fee shall cover all specific licenses and/or registrations issued to the person or organization for uses at one location or address by the agency.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 New Position Established. There is hereby established in the department of health and welfare, division of public health services, radiation control agency, the position of radiation specialist. Such position shall be a classified position and the person filling the position shall have such authority and duties as delegated by the agency.

4 Appropriation. There is hereby appropriated for fiscal year ending June 30, 1978, \$16,417 and for fiscal year ending June 30, 1979, \$17,410 for the purposes of section 3 of this act, to be expended as follows:

	1978	1979
Permanent personal services	\$11,611	\$12,269
Benefits	1,742	1,840
Current expenses	300	300
In-state travel	500	600
Indirect costs	2,264	2,401
Total	\$16,417	\$17,410

5 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Referred to Appropriations.

HB 451, relative to the authority of the commissioner of revenue administration to collect the business profits tax. Ought to Pass with Amendment. Rep. Ahern for Ways and Means.

The Committee voted 12-1 to pass the bill with a minor amendment. The gist of the bill is to put the Department of Revenue Administration in the position of "First in time, first in rank" with respect to recording of liens for unpaid taxes. It gives the mortgage industry some needed protection.

#### Amendment

Amend Section 1 of the bill by striking out same and inserting in place thereof the following:

1 Limiting Powers of Commissioner. amend RSA 77-A:15, IV as inserted by 1970, 5:1 by striking out said paragraph and inserting in place thereof the following:

IV. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the business profits tax shall not take precedence over prior recorded mortgages, and he has all of the duties imposed upon the tax collectors by RSA 80 that are applicable thereto. The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the

state. If the state purchases the land, the state treasurer shall certify the purchase to the governor and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 246, authorizing savings banks to invest in subsidiary corporations engaged in personal property lease financing.

Majority: Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs. Minority (Reps. Thomas Hynes, Lefavour, Ward and Crory): Inexpedient to Legislate.

Majority: This bill permits savings banks and cooperative banks to indirectly engage in leasing.

Commercial banks and other kinds of financial institutions already have this legal authority.

Minority: This legislation is not needed. The Federal banks have had the right under the law to go into the leasing business since 1963 and have not done so because of the hazards and risks involved in the leasing business. The banks have the advantage of buying money cheaper than leasing companies and where money is tight have a distinct advantage.

Rep. Ward moved that the Minority report, Inexpedient to Legislate, be substituted for the Majority report, Ought to Pass, and spoke to her motion.

Reps. Plourde and Lamy spoke against the motion.

Rep. Pucci spoke in favor of the motion.

Rep. Bridges requested a quorum count. The Speaker declared a quorum present.

Reps. Laurent Boucher, Crory and Bridges spoke in favor of the motion.

Reps. Logan, Eugene Daniell and Parker spoke against the motion.

A roll call was requested. Sufficiently seconded.

Reps. Sara Townsend, Tavitian, Seamans, William Boucher and Stahl abstained from voting under Rule 16.

(Speaker presiding)

YEAS 250 NAYS 88

YEAS 250

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, James Murray, Nighswander and Sabbow.

CARROLL: Roderick Allen, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Daniel Eaton, Faucher, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Krause, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis and Terry Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Ira Allen, George Cate, Chambers, Copenhaver, Crory, Dearborn, Gemmill, Hough, LaMott, Mann, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Glyneta Thomson, Madeline Townsend, Ward, Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Barrett, Belanger, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Roland Boucher, Brack, Bridges, Brody, Burke, Carswell, Coburn, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, Howard Humphrey, Kaklamanos, Karnis, Keefe, Lachance, LaFleur, Armand Lemire, Levesque, Lyons, Martin, Martineau, McDonough, McGlynn, McLaughlin, Morrison, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Podles, Polak, Record, Henry Richardson, Simard, Leonard Smith, Soucy, Spirou, St. George, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallin, Geraldine Watson, Welch, Emma Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Packard, Pelton, Pratt, Ralph, Rice, Rich, Shepard, Gerald Smith, Tarr and Wiviott.

ROCKINGHAM: Akerman, Appel, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Connors, Cotton, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gould, Grieco, Hartford, Hoar, King, Krasker, Laycock, Lovejoy, Norton, Parolise, Pucci, Quimby, Rogers, Sanborn, Scamman, Skinner, Alfreda Smith, Stimmell, Vlack and Wojnowski.

STRAFFORD: Belhumeur, Canney, Walter Desmarais, Donnelly, Hebert, Horrigan, Joncas, Joos, Kelly, Kincaid, LeFavour, Lessard, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Ruel, Schreiber, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Frizzell, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 88

BELKNAP: Hildreth, Lawton, Mansfield, Morin and Sanders.

CARROLL: Found and Keller.

(Speaker presiding)

YEAS 63 NAYS 280

YEAS 63

CHESHIRE: Chase, Fillback, Hogan, Lynch, Parker and Whipple.

COOS: Oleson.

BELKNAP: Sabbow.

GRAFTON: Aldrich, Buckman, Duhaime, Myrl Eaton, Logan and McAvoy.

CARROLL: Howard, Keller, Kenneth Smith and Towle.

HILLSBOROUGH: Aubut, Baker, Bednar, L. Penny Dion, Dupont, Joseph Eaton, George Healy, Knight, Lamy, LaPlante, Madigan, Marcoux, Morgan, Fred Murray, Paradis, Plomaritis, Paul Riley, Sing, Edward Smith, Wallace, Robert Wheeler and James J. White.

CHESHIRE: Faucher, Elmer Johnson and Whipple.

COOS: None.

GRAFTON: Aldrich, Ira Allen, Myrl Eaton, Neil McIver, Rounds, Glyneta Thomson and Madeline Townsend.

MERRIMACK: Bibbo, Gamache, Hess, McLane, Mullin, Plourde, Doris Riley, Stefanides, Doris Thompson, Trachy, Ernest Valliere and Robert Watson.

HILLSBOROUGH: Wilfrid Boisvert, Burke, Cullity, William Desmarais, Granger, Daniel Healy, Lachance, Armand Lemire, Marcoux, Martineau, McDonough, Timothy O'Connor, Paradis, Arnold Perkins, Polak, Henry Richardson, Paul Riley, Sing, Stylianos, Wallace, Emma Wheeler, Cecelia Winn, John Winn and Ziakas.

ROCKINGHAM: Aeschliman, Cutcliffe, Dunfey, Kane, Kashulines, Joseph MacDonald Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, O'Keefe, Parr, Richards, Rossley, Schwaner, Splaine, Webster, Wolfsen and Zabarsky.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, Chandler, Polly Johnson, LaBonte, Ralph, Doris Riley and Tarr.

STRAFFORD: Appleby, Burchell, Bruce French, Charles Grassie, Maglaras, Dennis Ramsey, Sackett, Donald Smith and Allen Wilson.

ROCKINGHAM: Blake, Danforth, Erler, Gaskill, Hartford, Parr and Schwaner.

SULLIVAN: Desnoyer, Gray, Ingram, LeBrun and Lewko, and the motion passed.

STRAFFORD: Appleby, Belhumeur, Donnelly, Dennis Ramsey and Tripp.

Rep. Bridges moved that HB 246 be indefinitely postponed.

SULLIVAN: Barrus, Ingram and Lewko.

Adopted.

NAYS 280

HJR 1, directing the United States Congress to call a constitutional convention for the purpose of proposing an amendment to the constitution of the United States relative to the protection of the right to live. Inexpedient to Legislate. Rep. Joncas for Constitutional Revision.

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray, Nighswander and Sanders.

This bill has the same problems as HB 225 which was overwhelmingly killed by the House on March 3rd—namely, the prospect of an unprecedented national Constitutional Convention raises serious legal questions and might subject our nation's Constitution to radical and pervasive changes. By an 11-1 vote, the Committee felt that this isn't worth the risk.

CARROLL: Roderick Allen, Found and Kenneth MacDonald.

Rep. Chandler moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

CHESHIRE: Chase, Close, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggin.

Reps. Hess, Foley and Morrison spoke against the motion.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

Rep. Elmer Johnson spoke in favor of the motion.

GRAFTON: Buckman, George Cate, Chambers, Clark, Copenhaver, Crory, Dearborn, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Snell, Stomberg, Taffe, Taylor, Ward and Michael Woodward.

Rep. Flanagan moved the previous question. Sufficiently seconded. Adopted.

HILLSBOROUGH: Ahern, Ainley, Aubut, Baker, Barrett, Belanger, Bellemore, Bernier, Roland Boucher, Brack, Bridges, Brody, Carswell, Coburn, Mark Connolly,

Rep. Chandler requested a roll call. Sufficiently seconded.



Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Cort Hansen, Head, Heald, George Healy, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, LaFleur, LaPlante, Levesque, Lyons, Madigan, Martin, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Plomaritis, Podles, Record, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Francis Sullivan, Harold Thomson, Van Loan, Wallin, Geraldine Watson, Robert Wheeler, James J. White and M. Arnold Wright.

MERRIMACK: Blakeney, Bodi, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Kidder, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Plourde, Pratt, Rice, Rich, Shepard, Gerald Smith, Stefanides, Doris Thompson, Trachy, Ernest Valliere, Robert Watson and Wivott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Benton, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Connors, Cotton, Cunningham, Cutcliffe, Davis, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Canley, Grieco, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Skinner, Alfreda Smith, Spaine, Stimmell, Tavitian, Vlack, Webster, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Canney, Walter Desmarais, Charles Grassie, Hebert, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Desnoyer, Frizzell, Gray, LeBrun, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Resolution adopted.

HBI 2019, relating to repairs to entrance and exits at Salem liquor store #34. Refer to the Committee on Public Works for Interim Study. Rep. Fortier for Public Works.

This subject matter missed the present capital and operating budgets. The Committee felt that the subject matter should be referred to interim study for consideration for introduction in the next capital and operating budgets

Rep. Parolise moved that the words, Ought to Pass be substituted for the Committee report, Refer to Committee on Public Works for Interim Study, and spoke to his motion.

Rep. Campbell moved that HBI 2019 be recommitted to the Committee on Public Works and spoke to her motion.

Adopted.

HB 469, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 19 years. Majority: Ought to Pass with Amendment. Rep. Rounds for Regulated Revenues. Minority (Reps. Lawton, Doris Thompson, Anne Gordon, Bridges, Desmarais, Lemire, Barrett and Duhaime): Inexpedient to Legislate.

Majority: Due to the overwhelming public testimony from the educational, law enforcement, religious, and business communities requesting the Legislature to help them remove the liquor from the high school environment, the majority of the Committee felt this bill should be passed with amendment. This bill, as amended by the Committee raises the minimum age to purchase alcoholic beverages to 19 years. It also has a grandfather clause for those persons, 18 at the time of passage, and allows 18 year olds to continue to work in restaurants, lounges, wholesale and retail establishments. The effective date of this legislation is January 1, 1978.

Minority: The minority of the Committee felt that this bill discriminates against one segment of the adult community that has already been charged with all of the responsibilities of citizenship. None of the testimony at the hearing showed that the 18 year old adult was more at fault than any other age group. This bill will not solve the problem of teenage drinking, but will deprive 18 year old adults of one of the privileges of the age of majority.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Age Statement. Amend RSA 175:6-b (supp) as inserted by 1965, 286:2 as amended by striking out said section and inserting in place thereof the following: 175:6-b Statement From Purchaser as to Age. For the purposes of RSA 175:6-a, any person making the sale of alcoholic beverages to any person whose age is in question, shall require the purchaser to fill out and sign a statement in the following form each time such person makes a purchase:

.....19.....  
I, ..... hereby represent  
to ..... that I am 19 years of  
age or older or was born on or before  
December 31, 1959, having been born on  
..... 19....., at .....



and an therefore legally entitled to drink alcoholic beverages. This statement is made to induce ..... to sell or otherwise furnish alcoholic beverages to the undersigned.

I understand that I am subject to a fine in accordance with the laws of the state of New Hampshire for wilfully misrepresenting my age for the purposes set forth in this statement.

.....

(Name)

.....

(Address)

Amend the bill by striking out sections 5, 6, 7 and 8 and inserting in place thereof the following:

5 Employment. Amend RSA 175:8 (supp) as amended by striking out said section and inserting in place thereof the following:

175:8 Employment of Youths. No licensee or permittee hereunder shall employ any person under the age of 18 years, with or without compensation, to serve or otherwise handle liquor or beverage, provided, however, that the holder of an off-sale permit may employ persons of not less than 16 years of age when beverage is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, and provided further that a person 19 years of age or over shall be in attendance as a supervisor during the time of such employment.

6 Possession. Amend RSA 175:8-a (supp) as inserted by 1959, 157:1 as amended by striking out said section and inserting in place thereof the following:

175:8-a Unlawful Possession. Except as provided in RSA 175:8, any person under the age of 19 years who has in his possession any liquor or alcoholic beverage shall be guilty of a violation. Any person under the age of 19 years convicted of unlawful possession of liquor or alcoholic beverages shall forfeit the same, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county wherein the proceedings were determined.

7 Repeal. RSA 175:8-c relative to exception to the employment of minors is hereby repealed.

8 Entertainers. Amend RSA 175:8-d I (supp) as inserted by 1971, 225:1 as amended by striking out said paragraph and inserting in place thereof the following:

1. Notwithstanding the provisions of RSA 175:8, any person licensed to sell liquor under the provisions of RSA 178:3, 3-a, 3-c, 4, or holding an on-sale restaurant or hotel permit under the provisions of RSA 181, may not employ a person who is less than 18 years of age as an entertainer on the premises where said liquor or beverage is sold.

Amend the bill by striking out sections 13, 14 and 15 and inserting in place thereof the following:

13 Possession in Motor Vehicles. Amend RSA 161:40-a (supp) as inserted by 1959, 216:1 as amended by striking out said section and inserting in place thereof the following:

1. Except as provided for in RSA 175:8, any person under the age of 19 years operating a motor vehicle upon the public highway, except when accompanied by parent or legal guardian, and having liquor or beverage in any form in containers, open or unopened, in any part of the vehicle, may have his license suspended or his right to operate denied for 3 months by the director of the division of motor vehicles. The words "liquor" and "beverages" as used in this section shall have the same meaning as defined in RSA 175:1.

11. Any person under the age of 19 years operating, or attempting to operate a motor vehicle upon the public highway who has consumed intoxicating liquor or beverage in any form or amount so that the amount of alcohol in said person's blood as defined in RSA 262-A:63 at said time was .05 percent or more shall have his license suspended or his right to operate denied for 3 months by the director of the division of motor vehicles.

14 Cider. Amend RSA 175:13-a as inserted by 1955, 179:1 by striking out said section and inserting in place thereof the following:

175:13-a Cider, Sale of, to Persons under 19. Notwithstanding any other provisions of this chapter, it shall be unlawful for any person to sell or cause or permit or procure to be sold to any person less than 19 years of age, cider containing more than one percent of alcohol by volume at 60 degrees Fahrenheit, provided that the provisions of this section shall not apply to sales of cider made within 15 days of its manufacture.

15 Existing Permittees and Licensees. Notwithstanding the other provisions of this act, any adult under the age of 19 years who on the effective date of this act has a license or permit issued under RSA 178 or 181 shall be entitled to retain such license or permit according to the terms thereof and shall be eligible to renew such license or permit as though such adult were over 19 years of age or older.

16 Exception. All persons 18 years of age or older but not 19 before January 1, 1978 shall lose no rights or privileges in regard to purchase or consumption or both of alcoholic beverages and shall be considered to be 19 and shall be entitled to be treated in all cases as if they were at least 19 years of age.

17 Effective Date. This act shall take effect January 1, 1978.

Rep. Marshall French moved that debate be limited to one hour equally divided. Motion lost.

Rep. Richard Hanson moved that debate be limited to thirty minutes equally divided.

Adopted.

Question being on the adoption of the committee amendment.

Amendment adopted.

Rep. Marshall French offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the minimum age for the purchase and sale of alcoholic beverages for off-premise consumption to 21 years.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Prohibited Sales. Amend RSA 175:6 as amended by striking out said section and inserting in place thereof the following:

175:6 Prohibited Sales. No licensee, sales agent, nor any other person, shall sell or give away or cause or permit or procure to be sold, delivered or given away any liquor or beverage to a person under the age of 21 years, except as provided in RSA 175:6-a, II, or to an habitual drunkard, to an insane person, to a person under the influence of liquor, or to any person to whom any court, selectman of a town, chief of police, overseer of public welfare or the commission shall prohibit sale. In no case shall any section of this title be so construed as to permit sale of liquor or beverages in any so-called saloon or speak-easy.

2 Evidence of Sale. Amend RSA 175:6-a (supp) as inserted by 1959, 116:1 as amended by striking out said section and inserting in place thereof the following:

175:6-a Sales to Persons Under 21 and 18 Under Certain Conditions.

I. The establishment of all the following facts by a person making a sale of liquor or beverage off the premises to a person under the age of 21 years shall constitute prima facie evidence of innocence and a defense to any prosecution therefor: (a) that the person falsely represented in writing and supported by some official document that he was 21 years of age or over; (b) that the appearance of the person was such that an ordinary and prudent person would believe him to be 21 years of age or over; and (c) that the sale was made in good faith relying upon such written representation and appearance in the reasonable belief that the person was actually 21 years of age or over.

II. The establishment of all the following facts by a person making a sale of liquor or beverage on the premises of the licensee or permittee to a person under the age of 18 years shall constitute prima facie evidence of innocence and a defense to any prosecution therefor: (a) that the person falsely represented in writing and supported by some official document that he was 18 years of age or

over; (b) that the appearance of the person was such that an ordinary and prudent person would believe him to be 18 years of age or over; and (c) that the sale was made in good faith relying upon such written representation and appearance in the reasonable belief that the person was actually 18 years of age or over.

3 Age Statement. Amend RSA 175:6-b (supp) as inserted by 1965, 286:2 as amended by striking out said section and inserting in place thereof the following: 175:6-b Statement From Purchaser as to Age.

I. For the purposes of RSA 175:6-a, I any person making the sale of alcoholic beverages to any person whose age is in question, shall require the purchaser to fill out and sign a statement in the following form each time such person makes a purchase:

..... 19,.....  
I, ..... hereby  
represent to .....  
that I am over the age of 21 years, having  
been born on ..... 19.....,  
at .....  
This statement is made to induce.....  
..... to sell or otherwise  
furnish alcoholic beverages to the  
undersigned.

I understand that I am subject to a fine in accordance with the laws of the state of New Hampshire for wilfully misrepresenting my age for the purposes set forth in this statement.

.....  
(Name)  
.....  
(Address)

II. For the Purposes of RSA 175:6-a, II, any person making the sale of alcoholic beverages to any person whose age is in question, shall require the purchaser to fill out and sign a statement in the following form each time such person makes a purchase:

..... 19....  
I, ..... hereby  
represent to ..... that  
I am 18 years of age or older, having been  
born on ..... 19....., at .....  
..... and am therefore legally  
entitled to drink alcoholic beverages.  
This statement is made to induce  
..... to sell or  
otherwise furnish alcoholic beverages to  
the undersigned.

I understand that I am subject to a fine in accordance with the laws of the state of New Hampshire for wilfully misrepresenting my age for the purposes set forth in this statement.

.....  
(Name)  
.....  
(Address)

4 Misrepresenting Age. Amend RSA 175:7 (supp) as amended by striking out said section and inserting in place thereof the following:

175:7 Person Misrepresenting Age. A person who falsely represents his age for the purpose of procuring liquor or beverages and who procures such liquor or beverages shall be guilty of a misdemeanor.

5 Employment. Amend RSA 175:8 (supp) as amended by striking out said section and inserting in place thereof the following:

175:8 Employment of Youths. No licensee or permittee hereunder shall employ any person under the age of 18 years, with or without compensation, to serve or otherwise handle liquor or beverage, provided, however, that the holder of an off-sale permit may employ persons of not less than 16 years of age when beverage is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, and provided further that a person 21 years of age or over shall be in attendance as a supervisor during the time of such employment.

6 Possession. Amend RSA 175:8 (supp) as inserted by 1959, 157:1 as amended by striking out said section and inserting in place thereof the following:

175:8-a Unlawful Possession. Except as provided in RSA 175:8, any person under the age of 21 years who has in his possession any liquor or alcoholic beverage, except such liquor or beverage which is served to a person 18 years of age or older for consumption on the premises of a person licensed to dispense liquor or beverage on the premises shall be guilty of a violation. Any person under the age of 21 years convicted of unlawful possession of liquor or alcoholic beverages shall forfeit the same, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county wherein the proceedings were determined.

7 Repeal. RSA 175:8-c relative to exception to the employment of minors is hereby repealed.

8 Entertainers. Amend RSA 175:8-d, I (supp) as inserted by 1971, 225:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. Notwithstanding the provisions of RSA 175:8, a person licensed to sell liquor under the provisions of RSA 178:3, 3-a, 3-c, 4, or holding an on-sale restaurant or hotel permit under the provisions of RSA 181, may not employ a person who is less than 18 years of age as an entertainer on the premises where said liquor or beverage is sold.

9 Persons Allowed on Licensed Premises. Amend RSA 178:8-d (supp) as inserted by 1970, 26:1 by striking out said section and inserting in place thereof the following:

178:8-d Persons Under 18. No person under the age of 18 years shall be allowed in those areas where liquor or beverages are being served under a license or permit issued pursuant to RSA 178:8-b unless accompanied by their parents or legal

guardian. The selectmen of the town in which such permit or license is held may at their discretion assign police officers to the premises where liquor or beverages are being served.

10 Liquor Licenses. Amend RSA 178:10 (supp) as amended by striking out in line 13 the word "eighteen" and inserting in place thereof the following (21) so that said section as amended shall read as follows:

178:10 Application for License. Any person applying for a license under this chapter shall file with the commission an application therefor in such form as the commission may prescribe. Such application shall contain such information as the commission may require, and, except in the case of an application for a dining-car license, shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted. Before a license is issued the commission shall satisfy itself that the applicant is financially responsible and generally fit for the trust to be in him reposed; that the applicant other than an applicant for dining-car license, if an individual, or, if a partnership each of the members of the partnership, or, if a corporation each of its principal officers and directors is of good moral character, a citizen of the United States and not less than 21 years of age; that the applicant intends to carry on the business authorized by the license for himself and not as the agent of another and that he intends to superintend in person the management of the business licensed, or intends to have some other person approved by the commission manage the business for him; that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar licenses already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed with respect to each place of business. Each application shall be verified by the affidavit of the applicant if an individual, or by all the members of a partnership or by the proper officer of a corporation.

11 Beverage Permits. Amend RSA 181:15 (supp) as amended by striking out in line 12 the word "eighteen" and inserting in place thereof the following (21) so that said section as amended shall read as follows:

181:15 Applications. Any person desiring a permit under this chapter shall file with the commissioners an application therefor in such form as the commissioners may prescribe. Such application, except in the case of an application for a dining-car permit, vehicle permit, vessel permit, transportation permit or solicitor's permit, shall contain a statement setting forth the name and address of the owner of the premises upon which the business is to be conducted. Before a permit is issued the



commissioners shall be satisfied that the applicant is financially responsible and generally fit for the trust to be in him reposed; that the applicant if an individual, or, if a partnership each of the members of the partnership, or if a corporation each of its principal officers and directors, is of good moral character, is a citizen of the United States not less than 21 years of age, and has never been convicted of a felony; except in the case of an application for a solicitor's permit, that the applicant intends to carry on the business authorized by the permit for himself and not as the agent of another, and that he intends to superintend in person the management of the business permitted, or intends to have some other person, approved by the commissioners, manage the business for him; that in the case of an applicant for an on-sale or an off-sale permit no manufacturer or wholesaler of beverages other than the applicant has a substantial financial interest, direct or indirect, in the business or in the premises, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from or loaned or given by any manufacturer or wholesaler; and except in the case of an application for a solicitor's permit, that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar permits already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed and a separate permit shall be issued with respect to each place of business. Every application shall be verified by the affidavit of the applicant, if an individual; if a partnership, by the affidavit of each partner; if a corporation, by the affidavit of the proper officer of the corporation.

12 Possession in Motor Vehicles. Amend RSA 262:40-a (supp) as inserted by 1959, 216:1 as amended by striking out in lines one and 8 the word "eighteen" and inserting in place thereof the following (21) so that said section as amended shall read as follows:

I. Any person under the age of 21 years operating a motor vehicle upon the public highway, except when accompanied by parent or legal guardian, and having liquor or beverage in any form in containers, open or unopened, in any part of the vehicle, may have his license suspended or his right to operate denied for 3 months by the director of the division of motor vehicles. The words "liquor" and "beverages" as used in this section shall have the same meaning as defined in RSA 175:1.

II. Any person under the age of 21 years operating, or attempting to operate a motor vehicle upon the public highway who has consumed intoxicating liquor or beverage in any form or amount so that the amount of alcohol in said person's blood as defined in RSA 262-A:63 at said time

was .05 percent or more shall have his licenses suspended or his right to operate denied for 3 months by the director of the division of motor vehicles.

13 Existing Permittees and Licensees. Notwithstanding the other provisions of this act, any adult under the age of 21 years who on the effective date of this act has a license or permit issued under RSA 178 or 181 shall be entitled to retain such license or permit according to the terms thereof and shall be eligible to renew such license or permit as though such adult was over 21 years of age or older.

14 Identification Card. Amend RSA 181:35 (supp) as inserted by 1965, 286:1 as amended by striking out said section and inserting in place thereof the following:

181:35 Identification Cards. Any person who attains the age of 18 years, or anyone whose age would be questioned as to being under the age of 18 years, who desires to purchase alcoholic beverages for consumption on licensed premises may apply to the town or city clerk where he resides, or is temporarily located, on a form to be provided by the liquor commission, for an identification card. This application shall be accompanied by a photograph of the applicant and his birth certificate or other satisfactory evidence that he or she is 18 years of age. An application shall include: (a) the applicant's name; (b) his address; (c) whether address is permanent or temporary; (d) date of his eighteenth birthday; and (e) such other pertinent information as the commission deems necessary. A fee of \$1 shall be paid the town or city clerk when such application is filed and such clerk shall remit to the commission at least every 6 months 50 percent of such fees and shall retain the other 50 percent to defray his expenses in connection therewith. Such town or city clerk shall forward such application to the commission which shall file it and send an identification card in such form as the commission prescribes to the applicant who may thereafter exhibit this card when purchasing alcoholic beverages for consumption on licensed premises. Any person who misrepresents his age or who practices any other deceit in the procurement of the identification card, uses or exhibits it for the purpose of procuring alcoholic beverages for a person under the age of 18 years, or uses the identification card belonging to any other person, shall be guilty of a misdemeanor, and shall have his card revoked for a period of time deemed necessary by the commission. Any law enforcement officer who finds an identification card in the possession of a person to whom it was not issued shall confiscate the same and return it to the liquor commission.

15 Effective Date. This act shall take effect January 1, 1978.

Rep. French explained his amendment.



Rep. Lessard moved that HB 469 be made a special order for Wednesday next.

Reps. Lawton and Richard Hanson spoke against the motion.

Rep. Roderick Allen spoke in favor of the motion.

Motion lost.

Reps. Lawton, Sanborn, Normand, Van Loan, Bridges, Taffe, Head, Hildreth, Glyneta Thomson, Spirou, Cunningham and Keefe spoke against the French amendment.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

French amendment lost.

Rep. Coutermarsh moved that HB 469 be indefinitely postponed and spoke to his motion.

Reps. George Wiggins and Anne Gordon spoke in favor of the motion.

Rep. Sanborn spoke against the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Question being on the motion to indefinitely postpone.

Rep. Cunningham requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 177 NAYS 181

YEAS 177

BELKNAP: Ambrose, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton and Sabbow.

CARROLL: Dickinson.

CHESHIRE: Chase, Daniel Eaton, Faucher, Anne Gordon, Hogan, Krause, Lynch, Marshala, Parker, Proctor, Russell, Scranton, Slack, Vrakatisis, Whipple and Terry Wiggin.

COOS: Burns, Bradley Haynes, Hunt, Keough, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Neila Woodward and York.

GRAFTON: Ira Allen, Buckman, Chambers, Copenhaver, Crory, Hough, LaMott, Logan, Stomberg, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Baker, Barrett, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Roland Boucher, Brack, Bridges, Corser, Coughlin, Coutermarsh, Cullity, Currier, William Desmarais, Arline Dion, Dupont, Clyde Eaton, Girolimon, Sal Grasso, Daniel Healy, George Healy, Kaklamanos, Karnis, Lachance, Lamy, Armand Lemire, Levesque, Martin, McDonough, McLaughlin, Fred Murray, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Record, Henry Richardson, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Spirou, St. George, Francis Sullivan, Harold Thomson, Wallace, Wallin, Geraldine Watson, Welch, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bodi, Laurent Boucher, Carroll, Milton Cate, Gamache, Hess,

McLane, McNichol, Mullin, Pelton, Arthur Perkins, Plourde, Pratt, Rice, Gerald Smith, Doris Thompson, Trachy and Robert Watson.

ROCKINGHAM: Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Carpenito, Collins, Cummings, Robert Day, Dunfey, Erler, Beverly Gage, Carl Gage, Grieco, King, Krasker, Donna McEachern, Joseph McEachern, O'Keefe, Parolise, Pucci, Rossley, Scamman, Splaine, Stimmell and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Canney, Bruce French, Charles Grassie, Hebert, Horrigan, Joncas, Kelly, Kincaid, Lessard, Maglaras, Maloomian, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Ruel, Schreiber and Allen Wilson.

SULLIVAN: Palmer, Tucker and George Wiggins.

NAYS 181

BELKNAP: Beard, Bowler, Goyette, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Fillback, Galloway, Irvin Gordon, Elmer Johnson, Ladd, Matson, Moore, Margaret Ramsay and Terry.

COOS: Cooney, Fortier, Horton, Huggins, Willey and Wiswell.

GRAFTON: Aldrich, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Taylor, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ainley, Bednar, Wilfrid Boisvert, Brody, Burke, Carswell, Coburn, Mark Connolly, Joseph Cote, Margaret Cote, Catherine-Ann Day, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Keefe, Knight, LaPlante, Lyons, Madigan, Marcoux, Martineau, McGlynn, Morgan, Morrison, Nemzoff-Berman, Paradis, Peters, Plomaritis, Podles, Polak, Paul Riley, Soucy, Stahl, Stylianos, Van Loan, Emma Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, John Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Packard, Ralph, Rich, Doris Riley, Shepard, Stefanides, Tarr, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Campbell, Connors, Cotton, Cunningham, Cutliffe, Danforth, Davis, Felch, Flanagan, Ganley, Gaskill, Griffin, Hartford, Hoar, Kane, Kashulines, Laycock,

Lovejoy, Joseph MacDonald, Maynard, Nelson, Norton, Parr, Quimby, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Tavitian, Vlack, Webster, Helen Wilson, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Walter Desmarais, Donnelly, Joos, Lefavour, Meader, Osgood, Preston, Sackett, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding and Sara Townsend, and the motion lost.

Rep. Normand offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing to 19 years of age the minimum age for purchase, sale and consumption of alcoholic beverages and the age for resident tax liability.

Amend the bill by striking out section 17 and inserting in place thereof the following:

17 Resident Tax. Amend RSA 72:1 (supp) as amended by striking out said section and inserting in place thereof the following:

72:1 Persons Liable. A tax of \$10, to be known as the "resident tax" shall be assessed on every inhabitant of the state from 19 to 65 years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars, conflicts or armed conflicts in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars, conflicts or armed conflicts as defined in RSA 72:28 and 72:32, and others exempt by special provisions of law. The exemption herein provided for a widow shall be available only until she remarries.

18 Effective Date. This act shall take effect January 1, 1978

The Assistant Clerk read the amendment.

Rep. Normand spoke to his amendment.

Rep. Cunningham moved that the Normand amendment be laid upon the table.

On a voice vote the Speaker was in doubt and requested a division.

A roll call was requested.

Sufficiently seconded.

(Speaker Presiding)

YEAS 213 NAYS 145

YEAS 213

BELKNAP: Beard, Marshall French, Goyette, Mansfield, Morin, James Murray, Sabow and Sanders.

CARROLL: Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Fillback, Galloway, Elmer Johnson, Krause, Ladd, Marshala, Matson, Moore, Margaret Ramsay and Whipple.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, Willey and Wiswell.

GRAFTON: Aldrich, Buckman, George Cate, Clark, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Aubut, Barrett, Bednar, Wilfrid Boisvert, Burke, Carswell, Coburn, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, L. Penny Dion, Drewniak, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Karnis, Keefe, Knight, Lyons, Madigan, Marcoux, Martineau, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Timothy O'Connor, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Soucy, Stahl, Stylianos, Harold Thomson, Van Loan, Wallace, Emma Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, John Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Mullin, Packard, Pratt, Ralph, Rich, Doris Riley, Shepard, Stefanides, Tarr, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Benton, Bisbee, Blake, William Boucher, Campbell, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Gaskill, Gould, Griffin, Hartford, Hoar, Kane Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Norton, Parr, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Tavitian, Black, Webster, Helen Wilson, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Jocas, Joos, Kincaid, Maloomian, Meader, Osgood, Preston, Sackett, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding and Sara Townsend.

NAYS 145

BELKNAP: Ambrose, Bowler, Gary Dionne, Michael Hanson, Hildreth, Lawton, Nighswander and Kenneth Randall.

CARROLL: Roderick Allen and Claflin.

CHESHIRE: Chase, Daniel Eaton, Faucher, Anne Gordon, Irvin Gordon, Hogan, Lynch, Parker, Proctor, Russell, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggin.

COOS: Burns, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Ira Allen, Chambers, Copenhaver, Hough, LaMott, Logan, Stomberg and Michael Woodard.

HILLSBOROUGH: Ahern, Baker, Belanger, Albert Bellemore, Bernier, Emile Boisvert, Roland Boucher, Brack, Bridges, Brody, Corser, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, Dupont, Joseph Eaton, Girolimon, Sal Grasso, Kaklamanos, Lachance, Lamy, LaPlante, Armand Lemire, Levesque, Martin, McDonough, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Edward Smith, Leonard Smith, Spirou, St. George, Francis Sullivan, Wallin, Geraldine Watson, Welch, Robert Wheeler and James J. White.

MERRIMACK: Bodi, Laurent Boucher, Carroll, Milton Cate, McLane, McNichol, Pelton, Arthur Perkins, Plourde, Rice, Gerald Smith, Doris Thompson, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Aller, Appel, Blanchette, Carpenito, Collins, Connors, Cotton, Cummings, Dunfey, Beverly Gage, Carl Gage, Ganley, Grieco, Krasker, Maynard, O'Keefe, Parolise, Pucci, Quimby, Rossley, Scamman, Splaine, Stimmell and Wojnowski.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Horrigan, Kelly, Lefavour, Lessard, Maglaras, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Ruel, Schreiber, Tripp and Allen Wilson.

SULLIVAN: Tucker and George Wiggins, and the Normand amendment was laid upon the table.

Question being on the adoption of the committee report.

Rep. Spirou requested a roll call.  
Sufficiently seconded.

(Speaker presiding)  
YEAS 202 NAYS 158  
YEAS 202

BELKNAP: Beard, Bowler, Goyette, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claflin, Raymond Conley, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Faucher, Fillback, Galloway, Irvin Gordon, Elmer Johnson, Ladd, Matson, Moore, Margaret Ramsay, Terry and Whipple.

COOS: Cooney, Fortier, Horton, Huggins, Willey and Wiswell.

GRAFTON: Aldrich, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Taylor, Glynetta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Wilfrid Boisvert, Brody, Burke, Carswell and Coburn, Mark Connolly, Joseph Cote, Margaret Cote, Catherine-Ann Day, L. Penny Dion, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Keefe, Knight, LaPlante, Lyons, Madigan, Marcoux, Martineau, McGlynn, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Timothy O'Connor, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Sing, Soucy, Stahl, Stylianos, Harold Thomson, Van Loan, Wallace, Emma Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, John Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Packard, Ralph, Rich, Doris Riley, Shepard, Stefanides, Tarr, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Bisbee, William Boucher, Campbell, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Felch, Flanagan, Ganley, Gaskill, Gould, Griffin, Hartford, Hoar, Kane, Kashulines, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Nelson, Niebling, Norton, Parr, Quimby, Richards, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Tavitian, Vlack, Webster, Helen Wilson, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Walter Desmarais, Donnelly, Doncas, Joos, Lefavour, Maloomian, Meader, Osgood, Preston, Ruel, Sackett, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding and Sara Townsend.

NAYS 158

BELKNAP: Ambrose, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton and Sabbow.

CARROLL: Roderick Allen and Dickinson.

CHESHIRE: Chase, Daniel Eaton, Anne Gordon, Hogan, Krause, Lynch, Marshala, Parker, Proctor, Russell, Scranton, Slack, Vrakatitsis and Terry Wiggin.

COOS: Burns, Bradley Haynes, Hunt, Keough, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Neila Woodward and York.



GRAFTON: Ira Allen, Buckman, Chambers, Copenhagen, Crory, Hough, LaMott, Stomberg and Michael Woodard.

HILLSBOROUGH: Baker, Barrett, Belanger, Bellemore, Bernier, Emile Boisvert, Roland Boucher, Brack, Bridges, Corser, Coughlin, Coutermarsh, Cullity, Currier, William Desmarais, Arline Dion, Drowniak, Dupont, Clyde Eaton, Girolimon, Sal Grasso, Daniel Healy, George Healy, Kaklamanos, Karnis, Lachance, Lamy, Armand Lemire, Levesque, Martin, McDonough, McLaughlin, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Record, Simard, Edward Smith, Leonard Smith, Spirou, St. George, Francis Sullivan, Wallin, Geraldine Watson, Welch, Robert Wheeler and James J. White.

MERRIMACK: Bodi, Laurent Boucher, Carroll, Milton Cate, Hess, McLane, McNichol, Mullin, Pelton, Arthur Perkins, Plourde, Pratt, Rice, Gerald Smith, Doris Thompson, Trachy and Robert Watson.

ROCKINGHAM: Appel, Benton, Blake, Blanchette, Carpenito, Collins, Connors, Cotton, Cummings, Dunfey, Erler, Beverly Gage, Carl Gage, Grieco, King, Krasker, Donna McEachern, O'Keefe, Parolise, Pucci, Rossley, Scamman, Alfreda Smith, Splaine and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Canney, Bruce French, Charles Grassie, Hebert, Horrigan, Kelly, Kincaid, Lessard, Maglaras, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Schreiber and Allen Wilson.

SULLIVAN: Frizzell, Palmer, Tucker and George Wiggins, and the committee report was adopted.

Rep. LaFleur wished to be recorded against indefinite postponement.

Referred to Appropriations.

HB 582, providing for additional state revenue. Majority: Ought to Pass with Amendment. Rep. McLane for Ways and Means. Minority (Reps. Splaine, John Winn and Cecelia Winn): Inexpedient to legislate.

Majority: HB 582 will raise the room and meals tax from the current 5% to 6% and will return the extra one cent collected to the General Fund. This bill will generate a much needed increase of \$7,000,000 plus over the biennium for the General Fund. The monies returned to the cities and towns will remain the same as at present; i.e. 2c of the tax collected on each dollar sales.

The amendment restores the 3% - 2% - 1% discount to reimburse the private businessman who is a collector of state revenues.

Minority: This legislation represents just another "penny" tax on the people of the state, and although it may not seem like much, the increasing inflation and costs of today are increased once again.

Even worse is the precedent that is set by changing the distribution formula so that the state receives more money at the cost of the towns and cities, which receive none of the increased revenue resulting from the bill.

If the Room and Meals Tax is increased to 7 percent, the communities should receive their same proportional share. The bill does not do that. The working person cannot afford the constant tax increases. The towns and cities cannot afford the continuing loss of revenue.

#### Amendment

Amend RSA 78-A:7 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

#### 78-A:7 Collection of Tax.

I. The operator shall either state the amount of the tax to each occupant or purchaser of a meal, or state that the tax is included in the price of the occupancy or meal. The operator shall demand and collect the tax from the occupant or purchaser. The occupant or purchaser shall pay the tax to the operator. If the tax is included in the price of the meal or occupancy, upon request the operator shall state to the purchaser or occupant the amount of the tax.

II. Each operator shall keep books and records in a form acceptable to the department showing the amount of all taxes collected. The operator shall pay the taxes over to the state as provided in this section. If the department believes that special action is necessary because payment of taxes collected may be in jeopardy, it may direct an operator to keep all taxes collected separate from any other funds. The department may require that the taxes be periodically deposited in a bank designated by the department, in an account in the name of the department. The department may withdraw these tax collections from the bank account and apply them to the payment of the taxes due from the operator. When an operator commingles tax money with money belonging to him, the claim of the state for the tax is traceable, is enforceable against all other claims and takes precedence over all other claims against the commingled funds. No taxes collected by an operator under this chapter may be sent outside the state without the written consent of the department.

III. To compensate operators for keeping the prescribed records and the proper account and remitting of taxes by them, they are allowed to retain a percentage of the taxes due and to be remitted on account of the taxes due as follows:

(a) Three percent of the amount remitted, but not exceeding the amount of tax found to be due, if remitted before the eleventh day of the month in which they are due.



(b) Two percent of the amount remitted, but not exceeding the amount of tax found to be due, if remitted between the eleventh and the twentieth day, inclusive, of the month in which they are due.

(c) One percent of the amount remitted, but not exceeding the amount of tax found to be due, if remitted between the twenty-first day and the last day, inclusive, of the month in which they are due. In no case shall the department allow as a credit any percentage that is based on an amount more than the amount of tax found to be due. The amount to be retained is allowed in the form of a deduction in submitting the report of the operator and the payment on account of the amount due from him. The amounts shall not be granted with respect to any taxes not paid on or before the last day of the month in which they are due, nor unless the operator has complied with all pertinent rules and regulations prescribed by the department and with all other requirements of this chapter.

IV. In lieu of keeping detailed records of taxes collected, and in lieu of payment of the taxes collected under this chapter, an operator may, in writing, elect to compute the amount of taxes due at 6 percent of the total taxable rent or charge for meals received by him, or both, exclusive of the taxes collected on such rents and charges. If this election is made, the operator may not change the method of computing taxes without the written consent of the department. Any balance of the tax remaining in possession of the operator may be retained by him.

Rep. Splaine moved that the Minority report, Inexpedient to Legislate, be substituted for the Committee report, Ought to pass with amendment, and spoke to his motion.

Reps. McLane, Elmer Johnson, George Wiggins, Bednar, Bridges, Marshall French and Tucker spoke against the motion.

Reps. John Winn, Chambers, Clark, Griffin, James J. White, Close and Cecelia Winn spoke in favor of the motion.

Rep. Parr moved the previous question. Sufficiently seconded. Adopted.

Rep. Splaine requested a roll call. Sufficiently seconded.

Rep. Kenneth Smith abstained from voting under Rule 16.

(Speaker presiding)

YEAS 159 NAYS 198

YEAS 159

BELKNAP: Gary Dionne, Coyette, Hildreth, Lawton and Sabbow.

CARROLL: Found.

CHESHIRE: Chase, Close, Daniel Eaton, Lynch, Matson, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Hunt, George Lemire, Oleson, Poulin, Thierault, Wiswell, Neila Woodward and York.

GRAFTON: Chambers, Clark, Copenhaver, Crory, LaMott, Taffe and Michael Woodard.

HILLSBOROUGH: Aubut, Baker, Barrett, Albert Bellemore, Bernier, Emile Boisvert, Roland Boucher, Brack, Brody, Burke, Coburn, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Gabrielle Gagnon, Girolimon, Sal Grasso, Cort Hansen, Daniel Healy, George Healy, Kaklamanos, Keefe, Lachance, Lamy, LaPlante, Armand Lemire, Levesque, Madigan Marcoux, Martin, Martineau, McDonough, McGlynn, McLaughlin, Normand, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Plomaritis, Record, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Francis Sullivan, Welch, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bodi, Carroll, John Cate, Gamache, Hess, Donna MacIvor, McNichol, Mullin, Pelton, Plourde, Pratt, Ralph, Rice, Gerald Smith, Doris Thompson, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Dunfee, Ganley, Gaskill, Grieco, Griffin, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, O'Keefe, Parolise, Richards, Rossley, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Kelly, Kincaid, Lessard, Maglaras, Morrisette, Rod O'Connor, Dennis Ramsey, Schreiber, Shirley White and Allen Wilson.

SULLIVAN: Desnoyer, Gray and LeBrun.

NAYS 198

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Michael Hanson, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Marshala, Moore, Parker, Scranton, Slack and Whipple.

COOS: Burns, Fortier, Horton, Huggins, Keough, Patenaude, Mabel Richardson, Alcide Valliere and Willey.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, Logan, Mann, McAvoey, Pepitone, Rounds, Snell, Stomberg, Taylor, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Ainley, Bednar, Belanger, Wilfrid Boisvert, Bridges, Carswell, Corser, Catherine-Ann Day, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, Head, Heald, Howard Humphrey, Karnis, Knight, Lyons, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Kerry O'Connor, Paradis, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Paul Riley, Sing, Stahl, Stylianos, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, Laurent Boucher, Milton Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, McLane, Packard, Arthur Perkins, Rich, Doris Riley, Shepard, Tarr, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Aller, Appel, Benton, Bisbee, Blake, William Boucher, Campbell, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Gould, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Nelson, Norton, Parr, Quimby, Rogers, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Horrigan, Joncas, Joos, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Frizzell, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Question being on the Committee amendment.

On a voice vote the Speaker was in doubt and requested a roll call.

(Speaker presiding)

YEAS 274 NAYS 82

YEAS 274

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Moore, Parker, Proctor, Russell, Scranton, Slack, Terry and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Keough, Oleson, Patenaude, Poulin, Mabel Richardson, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Belanger, Albert Bellemore, Bridges, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Catherine-Ann Day, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, LaPlante, Lyons, Madigan, McGlynn, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neill, Orcutt, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Sing, Leonard Smith, Soucy, Spiro, Stahl, Stylianos, Harold Thomson, Van Loan, Wallace, Wallin Welch, Emma Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, John Cate, Milton Cate, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, McLane, Mullin, Packard, Arthur Perkins, Plourde, Ralph, Rich, Doris Riley, Shepard, Tarr, Doris Thompson, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Collins, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gould, Hartford, Hoar, Kane, Kashulines, King, Krasker, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parr, Quimby, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Horrigan, Joncas, Joos, Kelly, Lefavour, Lessard, Maglaras, Maloomian, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Frizzell, Ingram, Lewko, Palmer, Scott, Spaulding, Tucker and George Wiggins.

NAYS 82

BELKNAP: Goyette, Lawton and Sabbow.

CARROLL: Found.

CHESHIRE: Matson, Margaret Ramsay, Vrakatisis and Terry Wiggan.

COOS: Hunt, George Lemire and Theriault.

GRAFTON: Copenhagen and LaMott.

HILLSBOROUGH: Baker, Barrett, Bernier, Emile Boisvert, Wilfrid Boisvert, Roland Boucher, Brack, Brody, Burke, Coburn, Joseph Cote, Cullity, Currier, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Gabrielle Gagnon, George Healy, Lachance, Lamy, Armand Lemire, Levesque, Marcoux, Martin, Martineau, McDonough, McLaughlin, Timothy O'Connor, Pappas, Pelletier, Record, Seaman, Simard, Edward Smith, Leonard Smith, Spirou, St. George, Francis Sullivan, Robert Wheeler, James J. White.

MERRIMACK: Carroll, Chandler, Gamache, Donna MacIvor, McNichol, Pelton, Pratt, Rice, Gerald Smith and Trachy.

ROCKINGHAM: Carpenito, Gaskill, Grieco, Griffin, Laycock, Parolise, Richards, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Hebert, Kincaid, Morrisette, Shirley White and Allen Wilson.

SULLIVAN: Desnoyer, Gray, LeBrun and Sara Townsend and the amendment was adopted.

Rep. Splaine offered an amendment.

#### Amendment

Amend the bill by striking out section 3 and renumbering section 4 to read as 3.

The Assistant Clerk read the amendment.

Rep. Splaine explained his amendment.

Reps. McLane, Tucker and Bednar spoke against the Splaine amendment.

Rep. Spirou spoke in favor of the Splaine amendment.

Rep. Hildreth requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 140 NAYS 217

YEAS 140

BELKNAP: Gary Dionne, Goyette, Hildreth, Lawton and Sabbow.

CARROLL: Found.

CHESHIRE: Close, Daniel Eaton, Lynch, Matson, Parker, Proctor, Margaret Ramsay, Russell, Slack, Terry, Vrakatitsis and Terry Wiggin.

COOS: Cooney, Hunt, George Lemire, Oleson, Poulin, Theriault and Neila Woodward.

GRAFTON: Chambers, Copenhagen, Crory, LaMott and Taffe.

HILLSBOROUGH: Aubut, Baker, Albert Bellemore, Bernier, Roland Boucher, Brack, Brody, Burke, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh,

Cullity, Currier, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Sal Grasso, Cort Hansen, Daniel Healy, George Healy, Kaklamanos, Lachance, Lamy, Armand Lemire, Levesque, Marcoux, Martin, McGlynn, Morrison, Normand, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Plomaritis, Seaman, Simard, Edward Smith, Leonard Smith, Spirou, St. George, Francis Sullivan, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Gamache, Hess, Donna MacIvor, Mullin, Pelton, Plourde, Pratt, Ralph, Rice, Gerald Smith, Doris Thompson, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Dunfee, Ganley, Gaskill, Grieco, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, O'Keefe, Parolise, Rossley, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Walter Desmarais, Charles Grassie, Hebert, Joos, Kelly, Kincaid, Lessard, Maglaras, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Donald Smith, Shirley White and Allen Wilson.

SULLIVAN: Desnoyer, Gray and LeBrun.

#### NAYS 217

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Michael Hanson, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Marshala, Moore, Scranton and Whipple.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Keough, Patenaude, Mabel Richardson, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taylor, Glynetta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bridges, Carswell, Coburn, Corser, Catherine-Ann Day, Dupont, Clyde Eaton, Nancy Gagnon, Girolimon, Granger, Head, Heald, Howard Humphrey, Karnis, Keefe, Knight, LaPlante, Lyons, Madigan, Martineau, McDonough, McLaughlin, Morgan, Fred Murray, Nemzoff-Berman, Kerry O'Connor, Paradis, Arnold Perkins, Peters,



Podles, Polak, Record, Henry Richardson, Paul Riley, Sing, Soucy, Stahl, Stylianos, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, McLane, McNichol, Packard, Arthur Perkins, Rich, Doris Riley, Shepard, Tarr, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Aller, Appel, Benton, Bisbee, Blake, Campbell, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Gould, Griffin, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Nelson, Norton, Parr, Quimby, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolsen.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Bruce French, Horrigan, Joncas, Lefavour, Maloomian, Meader, Osgood, Preston, Ruel, Sackett, Schreiber, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Frizzell, Ingram, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the Splaine amendment lost.

Question being on the adoption of the Committee report.

On a voice vote the Speaker was in doubt and requested a division.

The Speaker appointed Reps. Milton Cate, Hildreth, Joseph Eaton, Richard Hanson and Scamman as Tellers.

217 members having voted in the affirmative and 137 in the negative, the Committee report was adopted.

Referred to Appropriations.

Rep. Greene wished to be recorded in favor of HB 582.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 20 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 109, relative to official state songs.

HB 675, relative to the definition of "minor" in the RSA chapter concerning exposing a minor to harmful materials.

HB 676, relative to the burden of proof in hearings on prejudgment attachment.

HB 678, relative to the sale of property in settling estates.

HB 695, naming the Robert H. Whittaker highway.

HB 331, providing for the disposal of septic tank material.

HB 7, increasing the number of resident New Hampshire members of the New England Board of Higher Education.

HB 44, establishing a legislative committee to study the feasibility of the state preserving farm land by the purchase of land, development rights or easements and making lands so preserved available for agricultural purposes by lease back or renting to bona fide farm operators.

HB 91, relative to assessing a charge for checks returned to all state agencies.

HB 103, relative to licensing fees for real estate brokers and salesmen.

HB 263, relative to the emergency generator at the state prison.

HB 291, making an appropriation to the department of resources and economic development for grants and loans for projects authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965.

HB 304, providing for the establishment of loan fund revolving accounts which meet certain federal requirements.

HB 374, increasing certification fees for psychologists and removing the requirement of citizenship.

HB 668, authorizing the university system of New Hampshire to acquire fire, theft, and casualty insurance.

HB 408, authorizing savings banks to lend investment securities.

HB 613, relative to investments by savings banks in unsecured loans.

HB 746, to eliminate discrimination against non-citizens in the granting of liquor licenses, selling or delivering of liquor or any other occupation, profession or business activity.

HB 129, exempting certain persons from prosecution relative to exposing minors to harmful material or obscenity.

HB 460, amending the formula for computing the elderly real estate tax exemption and providing for local option of the expanded elderly real estate tax exemption based on assessed value.

HB 471, relative to the tobacco tax.

SB 48, forbidding entertainers less than 18 years of age from working in places where liquor or beverage is sold.

HB 451, relative to the authority of the commissioner of revenue administration to collect the business profits tax.

HB 691, relative to a program for special education.

#### RECONSIDERATION

Rep. Skinner moved that the House reconsider its action whereby it passed HB 129, exempting certain persons from prosecution relative to exposing minors to harmful material or obscenity.

Reconsideration lost.



362 members were recorded as present.

Reps. Courtermarsh and Tucker moved  
that the House adjourn.

Adopted.

The House adjourned at 5:50 p.m.

# HOUSE JOURNAL 28

*Wednesday, 20 Apr77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Would You believe Lord, I overheard two water buckets having a conversation by a well the other day. One was moaning over the fact that it always came up full and went down empty. The other bucket said, "Oh, I don't see it that way at all! I go down empty and always come up full!"

Help us Lord as we face decisions, decisions, to draw from Your well of "Living Waters" that shall never leave us empty. Remind us that You have promised that all who put their trust in You shall truly find the fullness of life equal to every need. Let us draw deep and be filled with Your Power, sufficient for the day. Amen!

Rep. Fillback led the Pledge of Allegiance

## LEAVES OF ABSENCE

Reps. Forsaith Daniels, Burrows, Anthony Randall, Dostilio, Goff, the day, illness.

Rep. Nardi the day, illness in the family.

Reps. Appel, Callahan, Cornelius, Miller, Chapman, Gelinas, Welch, the day, important business.

## INTRODUCTION OF GUESTS

Rev. James Scotland and Mrs. Esther Ayre, Library Trustees in Bedford, guests of Rep. Peters.

Mrs. Sharon Smith, NH's Young Mother of the Year, Mr. and Mrs. Walter Kilburn, parents, guests of Reps. Galloway, Buckman and Taylor.

Mr. and Mrs. Edwin M. Cotton, brother-in-law and sister-in-law and Mr. Jack Cotton, husband, guests of Rep. Cotton; Mr. and Mrs. Paul Russell and Paul Russell, Jr, guests of Rep. Daniel Eaton; A quartet of UNH students, Michael Turner, Susan Scannell, Deborah Cohen and Janice Hull, entertained the House with a musical selection.

## SENATE MESSAGES

### CONCURRENCE

HB 101, enabling towns to join together for the purpose of watershed management.

### TWO-DAY EXTENSIONS GRANTED

HB 355, regulating health maintenance organizations. (Commerce and Consumer Affairs)

HB 376, establishing special purpose licensing provisions under the electrician's codes. (Commerce and Consumer Affairs)

HB 314, improving procedures of the medical board for supervising medical practice and stabilizing medical liability claims. (Health and Welfare)

SB 67, increasing the daily salary of a special justice of the district and municipal court. (Judiciary)

HB 354, changing the deadline for submission of the budget for Coos county. (Municipal and County Government)

SB 8, providing for the cy pres of cemetery trust funds. (Statutory Revision)

HB 608, relative to the responsibilities and reorganization of the division of mental health and making an appropriation therefor. (Executive Departments and Administration)

HB 672, restricting the publications of information regarding certain neglected and delinquent persons. (Health and Welfare)

HB 656, relative to the number of challenges of jurors in murder trials. (Judiciary)

HB 500, authorizing cities, towns, counties, village and school districts to secure payroll and other fiscal obligations processing services. (Municipal and County Government)

HB 653, imposing a deadline for the adoption of a county budget and requiring the signatures of the chairman and clerk of the county convention for filing the adopted budget. (Municipal and County Government)

HB 506, authorizing an additional racing day to benefit vocational rehabilitation services. (Regulated Revenues)

HB 655, repealing certain provisions relative to citizenship in the sale and delivery of liquor or beverages. (Regulated Revenues)

HB 651, enabling cities to adopt a provision to permit voters moving their residence intracity to vote without registering again. (Statutory Revision)

HB 652, relative to the sealing and certifying of ballots. (Statutory Revision)

HB 670, relative to counting ballots at elections. (Statutory Revision)

## COMMITTEE REPORTS

### (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 619, 660, 183, 444, 480, 666, 693, SBs 60 and 95, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 659, 465 and SB 83, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HBs 287 and 349, and further moved that the House adopt the committee recommendation of Refer to Interim Study committees by the appropriate standing committees on HBs 413, 663, 664, 642 and HBI 2007.

HB 413 was withdrawn from the Consent Calendar at the request of Rep. Eugene Daniell.

Adopted.

The Committee felt that the intent of this bill would change the operation of workmen's compensation to a type of welfare system. By providing full pay to an injured worker it would become more profitable to remain at home as long as possible and collect tax-free money. The Committee voted to keep the law as it stands now to provide temporary assistance with work incentives.  
Resolution adopted.

HB 460, amending the formula for computing the elderly and expanded elderly real estate tax exemptions. Ought to Pass with Amendment. Rep. Arnold Perkins for Municipal and County Government.

The intent of the original bill was to provide low income elderly a flat \$5,000 property tax exemption. Under current law some receive less because the exemption is based on the percentage of local assessed valuation. The bill, as amended, would leave the choice of a flat \$5,000 exemption or a percentage exemption to local referendum because elderly exemptions have been instituted by local referendum so the Committee feels changes should be made by local referendum.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

amending the formula for computing the elderly real estate tax exemption and providing for local option of the expanded elderly real estate tax exemption based on assessed value.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 New Formula. Amend RSA 72 by inserting after section 43-c the following new sections:

72:43-d Procedure for Adoption; Assessed Value Formula.

I. A town desiring to adopt the provisions of RSA 72:43-e and 43-f may have the question placed on the warrant for a town meeting at which town officers are elected in the manner provided in RSA 39:3. Such question shall be presented for voter approval in the following manner:

(a) A public hearing shall be held by the board of selectmen at least 15 but not more than 30 days before the date the question is to be voted. Notice of the hearing shall be posted in 2 public places in the town and published in a newspaper of general circulation at least 7 days prior to the hearing.

(b) For a town which has an official ballot for the election of town officers, the officer who prepares the ballot shall place the question on such official ballot as it appears in subparagraph (d).

(c) For a town which does not have an official ballot for the election of town officers, the clerk shall prepare a ballot in the form as provided in subparagraph (d).

(d) The wording on the ballot of any referendum for the adoption of this subdivision shall be as follows: "Shall we adopt the provisions of RSA 72:43-e and 43-f for expanded exemptions on real estate which provide for a resident 65 years of age up to 75, a \$5,000 exemption; a resident 75 years of age up to 80, a \$10,000 exemption; a resident 80 years of age or older, a \$20,000 exemption, provided that the resident owns the real estate individually or jointly with another or his spouse with whom he has been living for at least 5 years as man and wife; said resident had a net income of less than \$7,000 or combined income with spouse of less than \$9,000; and owns assets of any kind, tangible or intangible, less bona fide encumbrances, not in excess of \$35,000; provided that the exemptions shall be based upon the assessed value of the real estate and not the equalized assessed value?"

(e) Upon the ballot containing the question shall be printed the word "Yes" with a square near it at the right hand of the question; and immediately below the word "Yes" shall be printed the word "No" with a square near it at the right hand of the question. The voter desiring to vote upon the question shall make a cross in the square of his choice. If no cross is made in a square beside the question, the ballot shall not be counted on the question.

II. A city desiring to adopt RSA 72:43-c and RSA 72:43-f may have the question placed on the official ballot for any regular municipal election for the election of city officers upon a vote of the city council or upon submission of a petition signed by 5 percent of the registered voters of the city to the city council. Such question shall be presented to the voters in the following manner:

(a) A public hearing shall be held by the city council at least 15 but not more than 30 days before the date the question is to be voted. Notice of the hearing shall be posted in 2 public places in the city and published in a newspaper of general circulation at least 7 days prior to the hearing.

(b) The question shall be placed on the official ballot by the city clerk with the wording and in the form provided for in paragraph I (d).

III. Upon approval of the question by a majority of those voting on the question, the provisions of this subdivision shall be deemed to have been adopted and shall take effect on April first next following the referendum for the tax year beginning on such date.

IV. If after adoption of the provisions of this subdivision, any town or city desires to rescind its adoption, it may do so by referendum pursuant to paragraphs I or II, by changing in paragraph I (d) the word "adopt" to read "rescind" in the question on the referendum; and provided, further, that after the adoption of the provisions of this subdivision, any action to rescind

The present definition of "limited access" highway has caused many interpretation problems for our off-highway recreational vehicle riding public. To cross such a highway with an OHRV is against the law and the present vague definition makes people who ride OHRVs unsure of which highways they may cross. This definition has also resulted in some arrests and law enforcement problems. HB 287 by specifically naming the "limited access" highways of New Hampshire alleviates these problems. People no longer will have to translate the meaning of "limited access" highway as the names of such highways will be written into the law.

#### Amendment

Amend RSA 269-C:1, XI-a as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

XI-a "Limited Access Highways and Rights of Way" for the purpose of this chapter mean the highways designated as I-89, I-93, I-95, I-393, I-193, the Spaulding turnpike and the Everett turnpike and the rights of way associated with each, only.

HB 349, eliminating an obsolete term in the statutes regarding motor vehicles. Ought to Pass with Amendment. Rep. James Murray for Transportation.

The intent of this Committee and of the Legislature should this bill pass is that the words "equipped with pneumatic tires" be removed from RSA 261:61 of the Motor Vehicle Code. This reference is obsolete and confusing as pneumatic tires are no longer used.

#### Amendment

Amend the bill by striking out the amending language of section 1 and inserting in place thereof the following:

1 Motor Vehicles' Weight; Obsolete Reference Deleted. Amend the introductory paragraph of RSA 263:61 (supp) as amended by striking out in line 2 the words "equipped with pneumatic tires," so that said paragraph as amended shall read as follows:

HB 663, providing for workmen's compensation dependency payments. Refer to the Advisory Council on Workmen's Compensation for Interim Study. Rep. Skinner for Labor, Human Resources and Rehabilitation.

The question of dependency payments provided for in workmen's compensation was a very controversial and complex issue within the Committee. It was voted to refer this bill to the Advisory Council on Workmen's Compensation which can devote more time to the problem and make a thorough examination of its desirability and feasibility.

HB 664, providing for unemployment compensation dependency payments. Refer to the Advisory Council on Unemployment Compensation for Interim Study. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Again, because of the complex nature of dependency payments the Committee felt it would be wise to refer this bill to the Advisory Council on Unemployment Compensation which will conduct a more in depth study on the issue.

HB 642, relative to amending local zoning regulations. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Beverly Gage for Municipal and County Government.

Testimony at the public hearing indicated some kind of procedural requirements may be merited to make the process of amending zoning regulations fairer, but further study is necessary.

HBI 2007, relating to prohibiting the purchase of real estate by a supervisory union. Refer to the Committee on Education for Interim Study. Rep. Joos for Education.

This is a problem that the Committee feels needs further investigation. We use the bill of intent to study the entire Supervisory Union structure.

#### COMMITTEE REPORTS (Regular Calendar)

HB 766, relative to purposely or recklessly damaging property of another. Inexpedient to Legislate. Rep. Slack for Constitutional Revision.

This Committee has determined through a unanimous vote that HB 766 should be found inexpedient to legislate. The Committee felt that there is a very serious problem in the area that this house bill addresses itself to but for obvious reasons a mandatory sentence would only complicate the problem not alleviate it.  
Resolution adopted.

HB 834, relative to the school lunch program. Inexpedient to Legislate. Rep. Gary Dionne for Education.

This bill, stated in general terms to apply to all school districts, was intended for a specific case where the financial problem could be alleviated by a waiver specifically applied to the special case. The majority of the Committee did not feel justified in striking a good program for the benefit of few. Vote: 11-4.  
Resolution adopted.

HB 868, relative to bilingual education. Ought to Pass. Rep. Catherine-Ann Day for Education.



The bill merely removes bilingual educational programs from the experimental program classification. It permits bilingual educational programs, with the approval of the State Board of Education and the local school district. The vote in Committee was unanimous, 18-0. Ordered to third reading.

HB 413, establishing a standard for high school graduates. Refer to the Committee on Education for interim study. Rep. Gary Dionne for Education.

The Committee recognizes the problem addressed by this bill. There are, however, a number of problems with establishing a statewide examination system which the Committee would like to study in the interim. In the meantime, there is no reason why local school districts cannot proceed with programs on their own.

Rep. Eugene Daniell requested a quorum count.

The Speaker declared a quorum present.

Rep. Daniell moved that the words, Ought to Pass with Amendment, be substituted for the committee report, Refer to the Committee on Education for Interim Study, and spoke to his motion.

Reps. Beard, Margaret Cote, Krasker, Henry Richardson and Keefe spoke against the motion.

Rep. Chandler spoke in favor of the motion.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 62 NAYS 222

YEAS 62

BELKNAP: Morin and Sabbow.

CARROLL: Found.

CHESHIRE: Elmer Johnson, Slack and Whipple.

COOS: Huggins, Hunt and Keough.

GRAFTON: Buckman, Duhaime, Pepitone and Ward.

HILLSBOROUGH: Baker, Bednar, Bosse, Burke, Coburn, William Desmarais, Clyde Eaton, Granger, Thomas Hynes, Knight, LaPlante, Marcoux, McLaughlin, Fred Murray, Timothy O'Connor, Paradis, Record, Simard, Soucy, Emma Wheeler and James J. White.

MERRIMACK: Bibbo, John Cate, Chandler, Eugene Daniell, Gamache, LaBonte, Mullin, Pratt and Ralph.

ROCKINGHAM: Gaskill, Nelson, Schwaner and Alfreda Smith.

STRAFFORD: Appleby, Belhumeur, Canney, Dianne Herchek, James Herchek, Kelly, Kincaid, Nadeau, Preston, Dennis Ramsey and Tripp.

SULLIVAN: Brodeur, Desnoyer, Ingram and Scott.

NAYS 222

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Mansfield, Nighswander and Sanders.

CARROLL: Roderick Allen, Dickinson, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Chase, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Russell, Terry and Vrakatisis.

COOS: Burns, Fortier, Bradley Haynes, Horton, George Lemire, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Chambers, Copenhagen, Crory, Myrl Eaton, Gemmill, Logan, Mann, Rounds, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Aubut, Belanger, Roland Boucher, Brack, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Cort Hansen, Head, Howard Humphrey, Keefe, Lachance, Levesque, Martin, McGlynn, Morgan, Morrison, Nemzoff-Berman, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Plomaritis, Polak, Quigley, Henry Richardson, Sing, Spirou, St. George, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallin, Geraldine Watson, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Bodi, Laurent Boucher, Carroll, Milton Cate, Foley, Hess, James Humphrey, Polly Johnson, Donna MacIvor, McLane, McNichol, Pelton, Rich, Doris Riley, Shepard, Gerald Smith, Stefanides, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Cotton, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Ganley, Greene, Grieco, Griffin, Hartford, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, O'Keefe, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn,

Skinner, Stimmell, Stratton, Tavitian, Vlack, Webster, Wojnowski and Wolfsen.

STRAFFORD: Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Horrigan, Joncas, Joos, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Osgood, Ruel, Schreiber, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Gray, LeBrun, Lewko, Spaulding, Sara Townsend and George Wiggins, and the motion lost.

Referred to the committee on Education for Interim Study.

Rep. Marshall French moved that debate be limited to thirty minutes, equally divided, on all bills.

Adopted.

HB 713, amending the title of RSA 126. Ought to Pass with Amendment. Rep. Sara Townsend for Executive Departments and Administration.

The modifications suggested in this bill are intended to indicate those changes that have already occurred and those that will continue to occur in the structure and work assignments of the Bureau so that it will be properly and fully authorized by statute to perform in the most effective and efficient manner.

#### Amendment

Amend RSA 126:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

126:3 Rules and Regulations. The registrar of vital statistics is authorized and empowered to make rules and regulations to secure uniformity and efficiency in the preparation, transcription, collection, compilation and preservation of facts in relation to births, marriages and deaths. Said rules and regulations also may include provisions for so-called delayed certificates of birth, the registration of children of unknown parentage, the filing of additional certificates after the legitimation of children and other matters relative to vital records and health statistics.

Amendment adopted.

Ordered to third reading.

HB 754, granting authority to the commissioner of health and welfare to appoint acting directors of the divisions of the department. Ought to Pass. Rep. Aldrich for Executive Departments and Administration.

Committee feels that appointment of acting division directors when a vacancy occurs is essential to effective continuity of operations within the Department. Unanimous vote. Ordered to third reading.

HB 760, authorizing the trustees of the New Hampshire retirement system to delegate the power to make investment decisions. Ought to Pass with Amendment. Rep. Bosse for Executive Departments and Administration.

Committee amendment simply retains traditional liability of trustees while providing needed flexibility to meet rapid market fluctuations. Unanimous vote of Committee.

#### Amendment

Amend RSA 100-A:15, I-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I-a. The board of trustees has full power and authority to delegate to any agent within or without the state, who may or may not be the custodian of stocks and securities, the power and discretion to make decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the board of trustees of the New Hampshire retirement system. The board of trustees has the power to authorize the payment of compensation to an agent for management services. The board of trustees shall be liable for the acts of such an agent.

Amendment adopted.

Ordered to third reading.

HB 794, allowing re-employed state employees to buy back into the New Hampshire retirement system. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

Bill would provide that re-employed state employees can buy back credit for prior service whether such service was in or out-of-state. It would encourage job hopping. Resolution adopted.

HB 316, relative to the exemption period for subdivision plat approval. Ought to Pass with Amendment. Rep. Faucher for Municipal and County Government.

The bill, as amended, would extend the exemption period from three to four years rather than to six. Because of time delay in getting plans approved and subdivisions started, the Committee feels additional time is necessary in the interests of both the people and the developers, but feels a three-year increase may be excessive.

#### Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Exemption Period Extended. Amend the introductory paragraph to RSA 36:24-a (supp) as inserted by 1975, 142:1 by striking out said introductory paragraph and inserting in place thereof the following:

36:24-a Four-Year Exemption. Every plat approved by the planning board and properly recorded in the registry of deeds shall be exempt from all subsequent changes in subdivision regulations and zoning ordinances adopted by any city or town, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of 4 years after the date of recording subject to each of the following conditions:

Amendment adopted.

Ordered to third reading.

HB 353, changing the town charter of Hanover to make sewer rentals the only method of payment for sewage disposal expense. Ought to Pass with Amendment. Rep. Faucher for Municipal and County Government.

This bill is a housekeeping measure to bring the Hanover town charter in compliance with federal requirements to receive federal funds for a sewer project. The amendment simply corrects a typographical error in the original bill.

#### Amendment

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Effective Date. Section 4 of this act shall take effect upon passage and the remainder of this act shall take effect if it is adopted as provided in section 4.

Amendment adopted.

Ordered to third reading.

HB 398, imposing fines on zoning violators. Ought to Pass with Amendment. Rep. Paradis for Municipal and County Government.

By fining zoning violators, the intent of this bill is to establish an enforcement provision for zoning regulations where none currently exists. The amendment simply clarifies that the fine is not effective until after conviction.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Fine Imposed. Amend RSA 31:88 by inserting in line 9 after the word "premises." the following (Any violation as set forth above may be made punishable by a fine of not more than \$10 for each day that such violation continues after the conviction date.) so that said section as amended shall read as follows:

31:88 Remedies for Violations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation hereof or of any ordinance or other regulation made under authority

conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful action to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure or land, or any illegal act or use in or about such premises. Any violation as set forth above may be made punishable by a fine of not more than \$10 for each day that such violation continues after the conviction date.

Amendment adopted.

Ordered to third reading

HB 704, legalizing the Hanover town meeting. Inexpedient to Legislate. Rep. Dreniak for Municipal and County Government.

Testimony indicated that the rights of a particular property owner may have been infringed upon by proceedings relative to zoning changes in his property. On the basis of doubts raised, the Committee does not feel it should legalize the meeting. Resolution adopted.

HB 161, permitting licensees to promote the sale of alcoholic beverages at reduced prices. Majority: Ought to Pass with Amendment. Rep. Cunningham for Regulated Revenues. Minority (Reps. Sanborn, Desmarais and Morin): Inexpedient to Legislate.

Majority: This bill allows the posting of Happy Hour Signs and authorizes the liquor commission to regulate where and when these signs and hours may be instituted. The Committee vote was 12-3.

Minority: Present law is adequate. Chairman of the Liquor Commission opposed the bill at first hearing, wavered at second hearing. Its effect would be to encourage accelerated drinking for a limited period and increase subsequent highway hazards.

#### Amendment

Amend RSA 175:10-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

175:10-a Limited Advertising Authorized. Notwithstanding the provisions of RSA 175:10 or any other rules, regulations or laws to the contrary, any holder of a license pursuant to RSA 181:4 and RSA 178 may post a sign within his establishment to advertise "happy hours". Said sign shall not be visible from outside the licensed premises and shall not contain any pricing information. The duration of said "happy hours" and the posting of these hours shall be regulated by the Liquor Commission.

Amendment adopted.

Ordered to third reading.



HB 667, relative to inspection criteria for privately owned campgrounds. Ought to Pass with Amendment. Rep. Claflin for Resources, Recreation and Development.

This bill, as amended, requires campgrounds in the state to be regulated through director and advisory board relative to health and safety requirements.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

regulating recreational campgrounds.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 147 the following new chapter:

#### CHAPTER 147-A

##### Recreational Campgrounds

147-A:1 General Provisions. In order to safeguard life and health and to promote public welfare, any person who offers for a fee overnight accommodations for 2 or more tents, travel trailers, tent trailers, pickup campers or motorhomes shall be required to obtain a license under this chapter.

147-A:2 Definitions. In this chapter:

I. "Advisory board" means the recreational campgrounds advisory board established under RSA 147-A:11.

II. "Director" means the director of the division of public health services, department of health and welfare.

III. "Pickup camper" or "motorhome" means a structure mounted on a truck chassis, used as a temporary dwelling for travel, recreation and vacation.

IV. "Recreational campground" means a plot of ground upon which 2 or more tents, travel trailers, tent trailers, pickup campers or motorhomes are located, established or maintained for a fee for recreation, education or vacation purposes.

V. "Tent" means a portable canvas or synthetic fiber structure used as a temporary dwelling for vacation or recreation purposes.

VI. "Tent trailer" means a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation and vacation purposes.

VII. "Travel trailer" means a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation.

147-A:3 License Required. No person shall operate a recreational campground unless he has a valid license issued under this chapter. A license shall be issued upon application and payment of the annual fee if the director is satisfied that the recreational campground will meet the requirements of this chapter. Licenses shall expire on December 31 following their issue and may be renewed annually upon application and payment of the annual fee if the director is satisfied that the

recreational campground meets the requirements of this chapter.

147-A:4 Application. Application for a license or renewal thereof shall be made at such time and in such form as the director requires by the person owning the recreational campground and shall contain such information as the director requires.

147:5 Annual Fee. The fee for the license and any annual renewal thereof shall be \$15. Payment of the fee shall be made at the time the application for license or renewal is made. The fees collected shall be used to implement this chapter. If the director refuses to issue a license or suspends or revokes a license, the fee shall not be refundable.

147-A:6 Other Licensing Requirements. The license required by this chapter shall be the only license required for operation of a recreational campground unless additional services and facilities are provided for which a license or permit is required under other provisions of law. Nothing in this chapter shall be construed as affecting any zoning ordinances which may be applicable.

147-A:7 Display of License. A license issued under this chapter shall be conspicuously displayed at all times in a suitable location where camper registrations take place.

147-A:8 Denial, Suspension or Revocation.

I. The director may refuse to issue or renew a license or may suspend or revoke a license if he determines that the recreational campground is not or will not be able to comply with this chapter or any rules issued under this chapter or any applicable rule of the water supply and pollution control commission.

II. Prior to suspending or revoking any license under paragraph I, the director shall give due notice to the licensee specifying the charges against him. The licensee shall have the right to a public hearing on any suspension or revocation. The licensee shall not have more than 30 days to correct said violations.

III. Any person aggrieved by a decision of the director under this section may apply for rehearing and appeal under RSA 541.

147-A:9 Rules and Standards. The director, after consultation with the advisory board and pursuant to RSA 541-A, shall adopt rules governing sources of drinking water, toilet facilities, garbage and refuse disposal and the location of recreational campgrounds for the general welfare of the public and the health and safety of the persons using the recreational campground.

147-A:10 Administration. The director shall administer the provisions of this chapter with such advice and assistance as is provided by the advisory board. The director shall investigate any complaint from a town health officer, town manager or municipal official having the responsibility for the public health concerns of a municipality.



147-A:11 Advisory Board. There is hereby established a recreational campground advisory board which shall consist of 7 members concerned with family camping. The governor and council shall appoint the members of the board with the following qualifications and from the respective areas of interest:

I. Each member of the board shall be a resident of this state and shall have been actively associated in some capacity with recreational camping for at least 5 years.

II. One member of the board shall be from the division of public health services, one member from the division of state parks, one member from the municipal association of this state, 2 members of the general public representing family campers who are unrelated and own their own camping equipment, and 2 members, who are campground owners, one of whom shall be nominated by the New Hampshire campground owners association.

147-A:12 Term and Compensation for Advisory Board Members. Each member of the board shall serve for a term of 3 years, except on the initial appointment, one representative of the New Hampshire campground owners association and one representative of the family campers shall be appointed for a term of 2 years; the representative from the division of public health services and the division of state parks shall be appointed for a term of one year. All members shall serve until their successors are appointed and qualified and any vacancy shall be filled for the unexpired term. No member shall serve 2 consecutive terms, but a board member appointed for less than a 3-year term may succeed himself for a full term. The board shall elect one of its members to serve as chairman. The members of the advisory board shall serve without either compensation or reimbursement for expenses. Any member of the board may be removed by the governor for just cause pursuant to RSA 4:1.

147-A:13 Duties of the Advisory Board. The board shall advise the director concerning current conditions of recreational campgrounds, consult with the director and recommend changes in rules of general application throughout the state in all aspects of public health and safety in recreational campgrounds. For a quorum 5 members of the board shall constitute same for any board action taken under this chapter.

147-A:14 Exemptions. This chapter shall not be applicable to either campgrounds or camp sites in any federal or state-owned park or campground located in this state or to mobile home parks regulated pursuant to RSA 205-A.

147-A:15 Penalty. Any person who violates this chapter or any rules adopted by the director, for the first offense, shall be guilty of a violation; for the second offense, if a natural person, shall be guilty of a violation and any other person shall be guilty of a misdemeanor; and for a third offense or subsequent

offense, any person shall be guilty of a misdemeanor.

2 Effective Date. This act shall take effect January 1, 1978.

Amendment adopted.

Ordered to third reading.

HB 796, establishing an approved absence program in houses of correction. Ought to Pass. Rep. Cotton for State Institutions.

This bill allows an inmate to reinforce his/her community ties and family life while incarcerated. It also enables an individual to seek responsibility within the community environment. An inmate may only receive an approved absence while serving the last 90 days of his/her sentence or having served one-half of his minimum sentence. None appeared in opposition to this bill at the hearing. Committee vote was 11-2 with 4 absent.

Ordered to third reading.

#### RECONSIDERATION

Rep. Skinner moved that the House reconsider its action in adopting the committee reports on HBs 663 and 664 of Refer to Advisory Council on Unemployment Compensation.

Reconsideration prevailed.

Rep. Skinner moved that HB 663, providing for workmen's compensation dependency payments, and HB 664, providing for unemployment compensation dependency payments, be referred to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

Adopted.

#### COMMITTEE REPORTS (cont'd)

HB 603, establishing procedures to review developments of regional impact and making an appropriation therefor. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

This is similar to the bill that lost in the 1975 session by only seven votes. This bill eliminates the "critical resource area" part of the 1975 bill. It modifies the part dealing with large developments to answer some criticisms of the 1975 bill by the homebuilders and developers.

The bill sets up a procedure by which consideration of a proposed large scale development can be handled in an orderly way without unexpected delays or roadblocks in the way of the developer while providing a means for the surrounding towns to be protected from possible adverse effects of an oversized development.

The Committee vote to report ought to pass as amended was unanimous--19 to 0 with one absent.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

establishing procedures to review developments of regional impact.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 31 by inserting after section 115 the following new subdivision:

Developments of Regional Impact  
31:116 General Policy.

I. The general court, concerned with the regional impact of development, declares that it is the policy of the state to:

(a) Avoid an unreasonable burden on energy sources;

(b) Avoid an unreasonable burden on local education, transportation, health, safety and other facilities;

(c) Uphold the requirements of applicable regulatory agencies regarding sources of pollution;

(d) Prevent irreversible damage to natural features of the state;

(e) Minimize the impact of sudden changes in the economic and social life of a community; and

(f) Reduce the potential problems associated with sudden or uncoordinated population changes.

II. A municipality should regulate any development having a strictly local impact, but any development with a regional impact will be considered to have a state-wide interest and shall be controlled in accordance with this subdivision.

31:117 Developments of Regional Impact Defined. As used in this subdivision development of regional impact means:

I. Residential developments proposing:

(a) A number of dwelling units more than one percent of the population of the municipality, but not less than 50 dwelling units; or

(b) 500 or more dwelling units.

As used herein, the term "residential development" includes developments with not more than 3 percent land area devoted to commercial retail uses.

II. Commercial retail developments proposing:

(a) In municipalities over 25,000 population, more than 150,000 square feet of enclosed floor area devoted to retail sales;

(b) In municipalities under 25,000 population, more than 75,000 square feet of enclosed floor area devoted to retail sales.

III. Commercial recreational developments proposing parking spaces for 500 or more vehicles.

IV. Industrial or office developments containing a lot for a single user proposing parking spaces for 500 or more vehicles.

31:118 Procedures and Standards of Municipalities.

I. No person may develop a development of regional impact except as provided in this subdivision.

II. No municipality may approve or deny a development of regional impact except as provided in this subdivision.

III. Any person proposing a development of regional impact shall file a petition seeking development permission for such development with the local hearing body. Within 10 days after the petitioner files a complete petition, the local hearing body may decline to exercise jurisdiction. In such event, the local hearing body shall, by certified mail, immediately notify the petitioner and the state board of review of its decision and shall enclose a copy of the petition with its notice to the state board of review. The state board of review shall thereupon have all the powers and duties of the local hearing body with respect to the petition, and the provisions of this subdivision shall be construed accordingly; provided, however:

(a) The filing of a complete petition shall be deemed not to have occurred until the day the local hearing body will have sent notice of its decision declining to exercise jurisdiction;

(b) The hearings may be conducted at such place as the petitioner and the state board of review deem appropriate; and

(c) RSA 541 shall govern the entire procedure of any appeal.

IV. The local hearing body shall hold a public hearing on such petition not more than 35 days after filing of a complete petition. Not less than 15 nor more than 30 days before such hearing, the local hearing body shall cause notice of public hearing:

(a) To be posted at 2 public places within the municipality;

(b) To be published in a newspaper of general circulation in the region; and

(c) To be sent by certified mail to the persons who are owners of land abutting the area proposed for development.

V. Not less than 15 days nor more than 30 days before such hearing, the local hearing body shall also file a copy of the petition with the state board of review, the office of comprehensive planning, and the applicable regional planning commission. The office of comprehensive planning shall, by certified mail, immediately send notice of such hearing to municipalities within the region and those persons who have filed written requests with the office of comprehensive planning for notice of hearings on proposed developments of regional impact within the region. Not less than 15 days nor more than 30 days before such hearing, the petitioner may send notice of such hearing by certified mail to the persons who are owners of land abutting the area proposed for development and to the persons who are entitled to notice from the office of comprehensive planning under this paragraph, such notice

by the petitioner shall be a conclusive defense against the persons so notified in the event such persons claim lack of adequate notice from the local hearing body or from the office of comprehensive planning.

VI. At such hearing, the petitioner shall present evidence on all substantial effects of the proposed development. The office of comprehensive planning, the regional planning commission, municipalities within the region, units of government, any person resident within the region and any person with an interest may file an appearance, present evidence and argument, and examine and cross-examine witnesses on all relevant issues. The chairman may impose reasonable limitations on the number of witnesses heard and on the nature and length of testimony and cross-examination. All testimony shall be under oath. If the local hearing body deems it reasonably necessary, it may require the petitioner to present additional evidence, at the petitioner's expense. The local hearing body may gather additional evidence on its own motion, and all such evidence shall be presented to the petitioner, who shall be given reasonable opportunity to respond. The local hearing body may permit residents of the region and persons with an interest to submit unsworn written comments on the petition, subject to such reasonable regulations as the local hearing body may prescribe; provided, however, such comments shall be presented to the petitioner, who shall be given reasonable opportunity to respond; and provided further, persons submitting such comments shall not be permitted to examine or cross-examine witnesses or to appeal a decision on the petition. A record of the hearing shall be kept. The hearing may be continued from time to time, but shall be concluded not more than 70 days after filing of the complete petition.

VII. Within 60 days after conclusion of the hearing, the local hearing body shall issue a written report analyzing the detriments and benefits of the proposed development to the municipality and the region and shall approve or deny such petition. The power to approve shall include the power to attach conditions to such approval which are consistent with the findings regarding the issues raised by subparagraphs (a) - (f) and which alleviate the impact caused by the development. In order to deny development permission, the local hearing body must conclude that detriments caused by the development outweigh the benefits; in order to approve the development, the local hearing body must conclude that the benefits offered by the development outweigh the detriments. The written report shall contain findings supported by substantial evidence with respect to at least the following issues:

(a) Development is in furtherance of or contradictory to objectives or policies of any adopted state or regional land use plan or local land use regulation;

(b) Development is or is not essentially or especially appropriate in view of the available alternatives within or without the jurisdiction;

(c) Development does or does not have an adverse effect on the environment and natural resources of the region, taking into consideration available and feasible alternative methods of development;

(d) Development does or does not impose immediate cost burdens on the municipality;

(e) Development favorably or adversely affects the ability of people to find adequate primary housing. The determination of the availability of adequate primary housing shall include consideration of the housing needs of families and individuals of all income levels who live or might reasonably be expected to live within the region, based on such factors as population growth and mobility, family formation, deterioration of existing housing stock, and the removal of existing and substandard units from the market;

(f) Development favorably or adversely affects the provision of services by municipalities, the state, or public utilities (such as services relating to schools, water, sewage, solid waste disposal, highways, or electric power) and the burden of taxpayers or ratepayers in making provision therefor.

31:119 Effect of Approval of a Development of Regional Impact.

I. If development permission for any type of development of regional impact is inconsistent with any municipal ordinances or regulations, that provision which imposes the greater restriction or higher standard shall govern.

II. If construction of a development of regional impact commences pursuant to development permission and proceeds reasonably toward completion, such development permission shall not be subject to any amendment or modification without the consent of the developer.

III. Development permission may not be transferred without the consent of the local hearing body.

31:120 State Board of Review; Authority Granted.

I. There is hereby established a state board of review responsible for reviewing petitions for developments of regional impact with such powers and duties as are provided in paragraph V of this section.

II. The state board of review shall consist of 9 persons; 6 persons selected by and from the regional planning districts and 3 persons appointed by the governor and council in a manner and for a term as follows:

(a) Within 60 days after the effective date of this subdivision, the members of all regional planning commissions within each district shall select from among their members one person to serve as a member of the state board of review and one person to serve as an



alternate member in cases where a vacancy or disqualification occurs. Such board members and alternates shall serve for a term of 3 years or until a successor is selected and qualified, provided that the initial selection shall be for terms as follows: substate districts one and 5 - one year; substate districts 3 and 6 - 2 years; substate districts 2 and 4 - 3 years. Any vacancy shall be filled for the unexpired term.

(b) Within 60 days after the effective date of this subdivision, the governor with the advice and consent of the council shall appoint 3 persons to serve as members of the state board of review and one person to serve as an alternate member in cases where a vacancy or disqualification occurs. Such board members shall serve for a term of 3 years or until a successor is appointed and qualified, provided that the initial appointments shall be for terms of one, 2 and 3 years. Any vacancy shall be filled for the unexpired term. One of such 3 persons shall be representative of environmental interests, one representative of real estate or development interest, and one representative of the general public's interests.

(c) The governor, with the advice and consent of the council, shall select from among the members of the board a person to serve as chairman for a period of one year.

III. No member shall participate in any matter in which the board is to act as a fact-finder if such person would be disqualified to act as a juror upon trial of the same matter in an action at law, for any cause, except an exemption from service and knowledge of the facts involved gained in performance of his official duties. Upon disqualification of a member, the alternate member shall serve as a board member during the matter.

IV. The members of the board shall receive \$50 per diem for their services and shall receive mileage allowance similar to state employees for attending any hearings, meeting, or other official business.

V. In addition to the duties and powers set out in RSA 31:117, the state board of review shall have the following duties and powers;

(a) To hear and decide appeals from decisions by local hearing bodies on petitions for a development of regional impact.

(b) To act as local hearing body in such circumstances as are specified in this subdivision.

(c) To adopt and publish rules and regulations consistent with this subdivision establishing uniform practices and procedures before local hearing bodies and before the state board of review in order to assure efficient administration of this subdivision regarding developments of regional impact.

(d) To hire such professional and clerical staff as is necessary to assist it in performing its duties and powers within the budgetary limitations.

VI. Decisions on petitions for developments of regional impact by the state board of review shall be made by a majority of the full membership.

#### 31:121 Appeal Procedure.

I. Any petitioner or any other person who filed an appearance in the proceedings before the local hearing body under RSA 31:118 and who is aggrieved by its decision may appeal such decision within 20 days after the decision is final by filing a notice of appeal with the state board of review; provided, however, no appeal shall be allowed when the local hearing body has denied development permission for an industrial, commercial recreational, office, commercial retail, or residential development of regional impact. Failure of the local hearing body to issue a written report within the time required shall be considered a denial of the petition and appealable.

II. The appellant shall serve a copy of the notice of appeal upon the petitioner, the local hearing body, the office of comprehensive planning, the applicable regional planning commission, and all other persons who filed an appearance before the local hearing body and shall cause a report of the hearing before the local hearing body to be prepared and filed with the state board of review.

III. The petitioner, the local hearing body, and all persons who filed an appearance in the proceeding before it may submit written briefs in support of or opposition to the decision of the local hearing body. Upon notice to the petitioner, the local hearing body, and all persons who filed an appearance in the proceeding before it, the state board of review may request the presentation of additional evidence or oral argument.

IV. After reviewing the record before the local hearing body and any additional evidence submitted at its request, with all powers and duties regarding findings of fact and conclusions as if it were the original hearing body, the state board of review shall within 20 days of receipt of the appeal issue a written report which shall contain findings supporting its conclusion to affirm, modify or reverse the local hearing body's decision to approve the petition.

#### 31:122 State Board of Review or Joint Body as Local Hearing Body.

I. In the event that there is no municipality with jurisdiction to hear a petition for a development of regional impact, or there is no local planning board and the municipal legislative body fails to designate a hearing body within 21 days after filing a complete petition, the state board of review shall act as the local hearing body in the manner provided



herein.

II. In the event that an area proposed for a development of regional impact is located within the boundaries of 2 or more municipalities, the local hearing body of each municipality shall select 4 of its members to sit on a joint body which shall act as the local hearing body in the manner provided in this subdivision. Those selected shall choose a registered voter of one of the municipalities to act as an additional member and the chairman of the joint hearing body.

31:123 Appeal to Supreme Court. Any party to the proceedings before the state board of review concerning a development or regional impact may appeal to the supreme court in accordance with RSA 541.

31:124 Exemptions. The following developments of regional impact shall not be subject to this subdivision:

I. Developments constructed by the state.

II. Developments which have received development permission from any unit of government before the effective date of this subdivision, but only to the extent of the work which has been reviewed and accepted in connection with the granting of such development permission, provided there is no substantial change from the terms of said development permission.

III. Developments subject to the terms of RSA 162-F, Electric Power Plant Transmission Siting and Construction Procedure and RSA 162-H, Energy Facility Evaluation, Siting, Construction and Operations.

31:125 Penalty.

I. Whoever violates RSA 31:118, I or any term of a permit issued pursuant to RSA 31:118, VII or RSA 31:122 or modified pursuant to RSA 31:121, IV shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whoever violates RSA 31:118, I shall, on petition by the state board of review, be subject to an injunction by the superior court.

III. Whoever, within a municipality, violates RSA 31:118, I or any term of a permit issued pursuant to RSA 31:118, VII or RSA 31:122, II or modified pursuant to RSA 31:121, IV shall, on petition by the municipality, be subject to an injunction by the superior court and to a civil penalty not to exceed \$100,000. If a municipality prevails in any action brought under this paragraph, it shall be awarded costs and attorney's fees. The proceeds of any civil penalty imposed under this paragraph shall be used by the municipality to restore the affected area or shall be placed in the state's general fund.

IV. Whoever, within an unincorporated place or a municipality to which RSA 31:122, I applies, violates RSA 31:118, I or any term of a permit issued pursuant to RSA 31:122, I shall, on petition by the state board of review, be subject to an injunction by the superior court and to a civil penalty not to exceed

\$100,000. If the state board of review prevails in any action brought under this paragraph, the state may be awarded costs. The proceeds of any civil penalty imposed under this paragraph shall be used by the state board of review to restore the affected area or shall be placed in the state's general fund.

31:126 Exceptions to Provisions of Subdivision. Nothing contained in this subdivision shall be interpreted to supersede or modify the statutes regulating excavations, dredge and fill, mining in public tidal or fresh waters, wetlands and areas in or adjacent to surface waters, nor affect the jurisdiction of the special board, all as set forth in RSA 1:16, RSA 4:40-a - 40-d, RSA 219:19, RSA 482:41-e - 41-i, RSA 483-A, RSA 488-A and RSA 488-B; nor affect any of the provisions of RSA 149 and 149-E.

2 Technical Assistance. The 6 regional planning commissions of the state, or their successor, shall upon request, assist their member towns and cities in complying with this act.

3 Federal Aid. The office of regional planning is hereby authorized to apply for and utilize any federal aid available for projects and programs within its jurisdiction, subject to any provision of general law applicable to the acceptance and expenditure of federal aid by state departments or agencies, for the purpose of funding technical assistance by its 6 substate districts for their member cities and towns.

4 Effective Date. This act shall take effect upon its passage.

Rep. George Wiggins moved that the words, refer to the Committee on Municipal and County Government for Interim Study be substituted for the Committee report, Ought to Pass with Amendment and spoke to his motion.

Rep. Bednar requested a quorum count. The Speaker declared a quorum present.

Reps. Corser and Greene spoke against the motion.

Reps. Richard Hanson and Bednar spoke in favor of the motion.

Rep. Hanson moved the previous question. Sufficiently seconded. Adopted.

Rep. George Wiggins requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 150 NAYS 191  
YEAS 150

BELKNAP: Marshall French and Mansfield.

CARROLL: Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Faucher, Fillback, Irvin Gordon, Hogan, Marshala, Vrakatitsis and Whipple.

COOS: Burns, Horton, Huggins, Hunt, Mabel Richardson and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Dearborn, Myrl Eaton, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Glyneta Thomson and Ward.

HILLSBOROUGH: Alter, Aubut, Baker, Barrett, Bednar, Bosse, Roland Boucher, Brack, Burke, Coburn, Joseph Cote, Coughlin, Coutermarsh, Cullity, Currier, William Desmarais, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Sal Grasso, George Healy, Thomas Hynes, Karnis, Keefe, Lachance, LaPlante, Levesque, Lyons, Marcoux, McDonough, McLaughlin, Morgan, Timothy O'Connor, Pelletier, Arnold Perkins, Polak, Quigley, Record, Henry Richardson, Seamans, Simard, Sing, Soucy, Kevin Sullivan, Harold Thomson, Geraldine Watson, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bibbo, Bodi, Laurent Boucher, Milton Cate, Chandler, Richard Hanson, Polly Johnson, Packard, Pratt, Ralph, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Akerman, Barka, Benton, Blake, William Boucher, Connors, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Felch, Beverly Gage, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Norton, Richards, Scamman, Stimmell, Stratton, Tavitian, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Walter Desmarais, Jocas, Kincaid, Lefavour, Maglaras, Maloomian, Meader, Nadeau, Preston and Tripp.

SULLIVAN: Brodeur, Desnoyer, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding and George Wiggins.

NAYS 191

BELKNAP: Beard, Bowler, Gary Dionne, Michael Hanson, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found and Kenneth MacDonald.

CHESHIRE: Chase, Close, Daniel Eaton, Galloway, Anne Gordon, Elmer Johnson, Krause, Ladd, Lynch, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Terry Wiggin.

COOS: Fortier, Bradley Haynes, Keough, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: George Cate, Chambers, Copenhaver, Crory, Gemmill, Hough, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Belanger, Wilfrid Boisvert, Brody, Carswell, Colson,

Mark Connolly, Corser, Margaret Cote, Arline Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Knight, Martin, Martineau, McGlynn, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Peters, Plomaritis, Podles, Edward Smith, Leonard Smith, Spiro, St. George, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallin, Emma Wheeler, Robert Wheeler, and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Carroll, John Cate, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Pelton, Rice, Rich, Tarr, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Bisbee, Blanchette, Campbell, Carpenito, Collins, Flanagan, Canley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Niebling, O'Keefe, Parolise, Parr, Pucci, Quimby, Rogers, Rossley, Sanborn, Schwaner, Skinner, Alfreda Smith, Vlack and Wojnowski.

STRAFFORD: Belhumeur, Canney, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herche, James Herche, Horrigan, Joos, Kelly, Lessard, Morrisette, Rod O'Connor, Osgood, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Gray and Sara Townsend, and the motion lost.

Question being on the adoption of the committee amendment.

A roll call was requested.  
Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 216 NAYS 126  
YEAS 216

BELKNAP: Beard, Bowler, Gary Dionne, Michael Hanson, Morin, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Found and Kenneth MacDonald.

CHESHIRE: Chase, Close, Daniel Eaton, Galloway, Anne Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Terry Wiggin.

COOS: Fortier, Bradley Haynes, Huggins, Keough, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: George Cate, Chambers, Copenhaver, Crory, Gemmill, Hough, Logan, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter, Belanger, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Keefe, Knight, Lachance, Lyons, Martin, Martineau, McGlynn, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Peters, Plomaritis, Podles, Edward Smith, Leonard Smith, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallin, Emma Wheeler and Robert Wheeler.

MERRIMACK: Ayles, Bellerose, Blakeney, Carroll, John Cate, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Rice, Rich, Shepard, Tarr, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Barka, Benton, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Collins, Danforth, Robert Day, Flanagan, Ganley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, O'Keefe, Parolise, Parr, Pucci, Kimby, Rogers, Rossley, Sanborn, Schwaner, Skinner, Alfreda Smith, Stimmell, Stratton, Vlack, Helen Wilson and Wojnowski.

STRAFFORD: Belhumeur, Canney, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Lefavour, Lessard, Morrisette, Rod O'Connor, Osgood, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Gray, Scott and Sara Townsend.

NAYS 126

BELKNAP: Marshall French, Mansfield, James Murray.

CARROLL: Dickinson, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Faucher, Fillback, Irvin Gordon, Marshala, Vrakatitsis and Whipple.

COOS: Burns, Horton, Hunt, Mabel Richardson and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Dearborn, Myrl Eaton, LaMott, Mann, McAvoy, Pepitone, Rounds, Snell, Glynetta Thomson and Ward.

HILLSBOROUGH: Aubut, Baker, Barrett, Bednar, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Burke, Coburn, Joseph

Cote, Coughlin, Coutermarsh, Currier, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Sal Grasso, George Healy, Karnis, LaPlante, Levesque, Marcoux, McDonough, McLaughlin, Morgan, Timothy O'Connor, Arnold Perkins, Polak, Quigley, Record, Henry Richardson, Seamans, Simard, Sing, Soucy, Kevin Sullivan, Harold Thomson, Geraldine Watson, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Bodi, Laurent Boucher, Milton Cate, Chandler, Richard Hanson, Polly Johnson, Pratt, Ralph, Doris Riley, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Akerman, Blake, Connors, Cummings, Cunningham, Cutcliffe, Davis, Erler, Felch, Beverly Gage, King, Norton, Richards, Scamman, Tavitian, Webster and Wolfen.

STRAFFORD: Appleby, Walter Desmarais, Joncas, Kincaid, Maglaras, Maloomian, Meader, Nadeau, Preston and Tripp.

SULLIVAN: Brodeur, Desnoyer, Ingram, LeBrun, Lewko, Palmer, Spaulding and George Wiggins, and the amendment was adopted.

Referred to Appropriations.

HB 385, annexing the unincorporated place of Livermore to the towns of Waterville Valley, Lincoln and Bethlehem. Inexpedient to Legislate. Rep. Beverly Gage for Municipal and County Government. Communications and testimony received by the Committee did not substantiate passage of this bill. Only three of the five abutting towns stand to benefit; one town would lose control of its water supply and the state would have to forfeit yield tax receipts from the National Forest.

Rep. Clark moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion, and yielded to questions.

Reps. Mann, Dickinson, Howard and Towle spoke against the motion.

Rep. Richard Hanson spoke in favor of the motion.

Rep. Ingram moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 134 NAYS 208

YEAS 134

BELKNAP: Morin and Sanders.

CHESHIRE: Faucher, Galloway, Irvin Gordon, Hogan, Elmer Johnson, Lynch, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Terry Wiggin.

COOS: Burns, Horton, Huggins, George Lemire, Oleson, Alcide Valliere, Willey, Neila Woodward and York.



GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Copenhaver, Grory, Dearborn, Myrl Eaton, Gemmill, LaMott, Logan, Mann, Rounds, Snell, Stomberg, Taffe and Glyneta Thomson.

HILLSBOROUGH: Ainley, Alter, Bernier, Bosse, Roland Boucher, Brack, Carswell, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Coughlin, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, Dupont, Clyde Eaton, Sal Grasso, Head, George Healy, Howard Humphrey, Kaklamanos, Karnis, Lachance, Levesque, Lyons, Martineau, McLaughlin, Morrison, Quigley, Sing, Spirou, Robert Wheeler, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bodi, Richard Hanson, Kidder, LaBonte, McLane, McNichol, Mullin, Rich, Shepard, Stefanides, Stockman, Doris Thompson, Trachy and Waters.

ROCKINGHAM: Campbell, Collins, Connors, Cotton, Cummings, Danforth, Robert Day, Dunfey, Felch, Ganley, Gaskill, Hartford, Hoar, Kashulines, Joseph MacDonald, Donna McEachern, Nelson, Niebling, O'Keefe, Parr, Rogers, Rossley, Sanborn, Schwaner, Skinner, Stimmell, Stratton and Tavitian.

STRAFFORD: Canney, Donnelly, Joncas, Lefavour, Maglaras, Morrisette, Rod O'Connor, Dennis Ramsey, Donald Smith, Valley, Shirley White and Allen Wilson.

SULLIVAN: Ingram.

#### NAYS 208

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Mansfield, Nighswander and Kenneth Randall.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Fillback, Anne Gordon, Krause, Ladd, Marshala, Matson, Moore, Parker, Scranton, Slack and Whipple.

COOS: Fortier, Bradley Haynes, Hunt, Keough, Patenaude, Poulin, Mabel Richardson, Theriault and Wiswell.

GRAFTON: George Cate, Hough, McAvoy, Pepitone, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Baker, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Brody, Burke, Margaret Cote, Currier, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Heald, Thomas Hynes, Keefe, LaPlante, Martin, McGlynn, Morgan, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins,

Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Paul Riley, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallin, Geraldine Watson, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Bellerose, Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Polly Johnson, Donna MacIvor, Packard, Pelton, Pratt, Ralph, Rice, Doris Riley, Gerald Smith, Tarr, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Bisbee, Blake, William Boucher, Carpenito, Cunningham, Cutcliffe, Davis, Erler, Flanagan, Beverly Gage, Carl Gage, Gould, Greene, Griffin, Kane, King, Krasker, Laycock, Lovejoy, Maynard, Joseph McEachern, Norton, Parolise, Pucci, Quimby, Richards, Scamman, Alfreda Smith, Vlack, Webster, Helen Wilson, Wojnowski and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Burchell, Walter Desmarais, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lessard, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Schreiber, Torrey, Tripp and Voll.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend and Tucker, and the motion lost.

Resolution adopted.

HB 547, establishing a state gaming commission and authorizing the establishment of state operated casinos and state controlled slot machine gambling. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The Committee felt that the state should not operate gambling casinos or slot machines. Evidence at the televised evening hearing on April 6th was strongly opposed. Committee vote was 15-2.

Rep. Cunningham moved that HB 547 be indefinitely postponed.

Reps. Spirou, Marshall French, McLane, Ingram, Gaskill, Coutermarsh and Tucker spoke in favor of the motion.

Rep. Plourde spoke against the motion.

Rep. Cunningham moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested.

Sufficiently seconded.

Rep. Barka abstained from voting under Rule 16.

(Speaker presiding)

YEAS 330 NAYS 22

YEAS 330

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.



CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, George Cate, Chambers, Clark, Copenhaver, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter, Aubut, Baker, Barrett, Bednar, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Bridges, Brody, Carswell, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Kakliamanos, Keefe, Lachance, Levesque, Lyons, Marcoux, Martin, McDonough, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna McIvor, McLane, McNichol, Mullin, Packard, Pelton, Plourde, Pratt, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Bisbee, Blake, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gould, Grieco, Griffin, Hartford,

Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

## NAYS 22

BELKNAP: None.

CARROLL: Howard and Kenneth Smith.

CHESHIRE: None.

COOS: Burns, Keough and Theriault.

GRAFTON: Ira Allen, Buckman and Glyneta Thomson.

HILLSBOROUGH: Roland Boucher, Burke, Currier, William Desmarais, George Healy, Karnis, LaPlante, Martineau, Timothy O'Connor, Paradis and Pelletier.

MERRIMACK: Chandler.

ROCKINGHAM: None.

STRAFFORD: Nadeau.

SULLIVAN: Brodeur, and HB 547 was indefinitely postponed.

Rep. Bruce French wished to be recorded in favor of the committee report on HB 547.

Rep. Blanchette wished to be recorded against HB 547.

HB 576, permitting the establishment of a state gambling casino and making an appropriation therefor. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The Committee feels that this bill is inappropriate at this time because the state is in no position to become involved in running or regulating gambling casinos. The Committee was unanimous, 17-0, for a motion of inexpedient to legislate.

Rep. Scamman moved that HB 576 be indefinitely postponed.

Reps. Cunningham and Spirou spoke in favor of the motion.

A roll call was requested.  
Sufficiently seconded.

Rep. Barka abstained from voting under  
Rule 16.

(Speaker presiding)  
YEAS 333 NAYS 18  
YEAS 333

BELKNAP: Beard, Bowler, Gary Dionne,  
Marshall French, Michael Hanson, Hildreth,  
Mansfield, Morin, James Murray,  
Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond  
Conley, Dickinson, Found, Keller, Kenneth  
MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Daniel Eaton,  
Faucher, Fillback, Galloway, Anne Gordon,  
Irvin Gordon, Hogan, Elmer Johnson,  
Krause, Ladd, Lynch, Marshala, Matson,  
Moore, Parker, Proctor, Margaret Ramsay,  
Russell, Scranton, Slack, Terry,  
Vrakatisis, Whipple and Terry Wiggin.

COOS: Burns, Fortier, Bradley Haynes,  
Horton, Huggins, Hunt, Keough, George  
Lemire, Oleson, Patenaude, Poulin, Mabel  
Richardson, Alcide Valliere, Willey,  
Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, George Cate, Chambers,  
Clark, Copenhaver, Crory, Dearborn,  
Duhaime, Myrl Eaton, Gemmill, Hough,  
LaMott, Logan, Mann, McAvoy, Pepitone,  
Rounds, Snell, Stomberg, Taffe, Taylor,  
Madelaine Townsend, Ward and Michael  
Woodard.

HILLSBOROUGH: Ahern, Ainley, Alter,  
Aubut, Baker, Barrett, Bednar, Bernier,  
Emile Boisvert, Wilfrid Boisvert, Bosse,  
Brack, Bridges, Brody, Burke, Carswell,  
Coburn, Colson, Mark Connolly, Corser,  
Joseph Cote, Margaret Cote, Coughlin,  
Coutermarsh, Cullity, Currier,  
Catherine-Ann Day, Arline Dion, L. Penny  
Dion, Drewniak, Dupont, Joseph Eaton,  
Gabrielle Gagnon, Nancy Gagnon, Girolimon,  
Granger, Sal Grasso, Cort Hansen, Head,  
Heald, Howard Humphrey, Thomas Hynes,  
Kaklamanos, Keefe, Lachance, Levesque,  
Lyons, Marcoux, Martin, McDonough,  
McGlynn, McLaughlin, Morgan, Morrison,  
Fred Murray, Nemzoff-Berman, Normand,  
Kerry O'Connor, O'Neil, Orcutt, Pappas,  
Pelletier, Arnold Perkins, Peters,  
Plomaritis, Podles, Polak, Quigley,  
Record, Henry Richardson, Paul Riley,  
Seamans, Simard, Sing, Edward Smith,  
Leonard Smith, Spirow, St. George, Stahl,  
Stylianios, Francis Sullivan, Kevin  
Sullivan, Harold Thomson, Van Loan,  
Wallace, Wallin, Geraldine Watson, Emma  
Wheeler, Robert Wheeler, James J. White,  
M. Arnold Wight, Cecelia Winn and John  
Winn.

MERRIMACK: Ayles, Bellerose, Bibbo,  
Blakeney, Bodi, Laurent Boucher, Carroll,  
John Cate, Milton Cate, Eugene Daniell,  
Foley, Camache, Richard Hanson, Hess,  
James Humphrey, Polly Johnson, Kidder,

LaBonte, Donna MacIvor, McLane, McNichol,  
Mullin, Packard, Pelton, Pratt, Ralph,  
Rice, Rich, Doris Riley, Shepard, Gerald  
Smith, Stefanides, Stockman, Tarr, Doris  
Thompson, Trachy, Ernest Valliere, Waters,  
Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller,  
Benton, Bisbee, Blake, William Boucher,  
Campbell, Carpenito, Collins, Connors,  
Cotton, Cummings, Cunningham, Cutcliffe,  
Danforth, Davis, Robert Day, Dunfey,  
Erler, Felch, Flanagan, Beverly Gage, Carl  
Gage, Ganley, Gaskill, Gould, Grieco,  
Griffin, Hartford, Hoar, Kane, Kashulines,  
King, Krasker, Laycock, Lovejoy, Joseph  
MacDonald, Maynard, Donna McEachern,  
Joseph McEachern, Nelson, Niebling,  
Norton, O'Keefe, Parolise, Parr, Pucci,  
Quimby, Richards, Rogers, Rossley,  
Sanborn, Scamman, Schwaner, Skinner,  
Alfreda Smith, Splaine, Stimmell,  
Stratton, Tavitian, Vlack, Webster, Helen  
Wilson, Wojnowski and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Burchell,  
Canney, Walter Desmarais, Donnelly,  
Charles Grassie, Hebert, Dianne Herche,  
James Herche, Horrigan, Joncas, Joos,  
Kelly, Kincaid, Lefavour, Lessard,  
Maglaras, Maloomian, Meader, Morrisette,  
Rod O'Connor, Osgood, Preston, Dennis  
Ramsey, Ruel, Sackett, Schreiber, Donald  
Smith, Torrey, Tripp, Valley, Voll,  
Shirley White and Allen Wilson.

SULLIVAN: Barrus, Desnoyer, Gray, Ingram,  
LeBrun, Lewko, Palmer, Scott, Spaulding,  
Sara Townsend and Tucker.

NAYS 18

BELKNAP: None.

CARROLL: Howard.

CHESHIRE: None.

COOS: Theriault.

GRAFTON: Ira Allen, Buckman and Glyneta  
Thomson.

HILLSBOROUGH: Roland Boucher, William  
Desmarais, George Healy, Karnis, LaPlante,  
Martineau, Timothy O'Connor and Paradis.

MERRIMACK: Chandler and Plourde.

ROCKINGHAM: None.

STRAFFORD: Nadeau.

SULLIVAN: Brodeur and George Wiggins, and  
HB 576 was indefinitely postponed.

Rep. Soucy wished to be recorded in  
favor of the motion to indefinitely  
postpone.

Rep. Bruce French wished to be  
recorded in favor of the committee report  
on HB 576.

Rep. Blanchette wished to be recorded  
against HB 576.

## VACATE

Rep. Cunningham moved that the House vacate the reference of HB 516, authorizing the operation of remote control amusement machines in this state, to the committee on Regulated Revenues.

Reps. Tucker and Spirou spoke in favor of the motion.

A division was requested.

The Speaker appointed Reps. Milton Cate, Hildreth, Benton, Richard Hanson and Marshall French as tellers.

307 members having answered in the affirmative and 10 in the negative, the motion passed.

Rep. Cunningham moved that HB 516, authorizing the operation of remote control amusement machines in this state, be indefinitely postponed.

Reps. Lyons and Chambers spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

Rep. Barka abstained from voting under Rule 16.

(Speaker presiding)

YEAS 322 NAYS 29

YEAS 322

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Fount, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, George Cate, Chambers, Clark, Copenhaver, Crory, Dearborn, Duhaime, Gemmill, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodward.

HILLSBOROUGH: Ahern, Ainley, Alter, Aubut, Barrett, Bednar, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Brody, Carswell, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon,

Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Lachance, Levesque, Lyons, Marcoux, Martin, McDonough, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Quigley, Record, Paul Riley, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Pratt, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Benton, Bisbee, Blake, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Alfreida Smith, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Dianne Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

NAYS 29

BELKNAP: None.

CARROLL: Kenneth Smith.

CHESHIRE: None.

COOS: Burns and Theriault.

GRAFTON: Ira Allen, Buckman, Myrl Eaton and Glyneta Thomson.



HILLSBOROUGH: Baker, Burke, Currier, William Desmarais, George Healy, Karnis, LaPlante, Martineau, Paradis, Polak and Henry Richardson.

MERRIMACK: Laurent Boucher, Chandler, Plourde and Doris Thompson.

ROCKINGHAM: Cutcliffe, Danforth, Stratton and Wojnowski.

STRAFFORD: James Herchek.

SULLIVAN: Brodeur and George Wiggins, and the motion passed.

Rep. J. Herchek notified the clerk that he inadvertently voted nay and wished to vote yea.

#### VACATES

Rep. Morgan moved that the House vacate the reference of HB 986, requiring electric utilities rates to be based on a current level of services, to the committee on Commerce and Consumers Affairs and re-refer said bill to the committee on Science and Technology.

Adopted.

Rep. Tavitian moved that the House vacate the reference of HB 1177, establishing an interim study committee on 21 compact areas, to the committee on Transportation and re-refer said bill to the committee on Public Works.

Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Roberts, Sara Townsend and Skinner offered the following:

#### HOUSE RESOLUTION NO. 29

WHEREAS, library and information services at both state and local levels are basic to the knowledge of the citizens of a free society; and

WHEREAS, the libraries throughout New Hampshire embody the effort to maintain the high standards and the resources of our cultural heritage; and

WHEREAS, the excellence of the exhibit this day in the New Hampshire Legislative Office Building is a reminder to all House members of the resources available to our people; and

WHEREAS, the week of April 17 - 23, 1977 is set aside as National Library Week, Now Therefore Be It

RESOLVED, that the New Hampshire House does hereby recognize the major and ongoing contributions to the American Way of Life made by all libraries in the State of New Hampshire.

The Assistant Clerk read the resolution.

Resolution adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Alfreda Smith offered the following:

#### HOUSE RESOLUTION NO. 28

relative to the showing of an educational film about Laconia state school to members of the house of representatives.

RESOLVED by the House of Representatives:

THAT, Representative Alfreda Smith of Rockingham, District 5 be permitted to show an updated educational film about Laconia state school to members of the house of representatives; and

THAT, the showing of this film shall be on a session day and to all members of the house; and

THAT, Representative Smith coordinate the scheduling of the showing of this film with the speaker of the house so as to ensure maximum attendance by house members.

The Assistant Clerk read the resolution.

Resolution adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 21 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 659, requiring a minimum of 2 years residency before applying for free hunting or fishing license, or both.

HB 287, relative to defining limited access highways in regulating OHRVs.

HB 349, eliminating an obsolete term in the statutes regarding motor vehicles.

HB 465, redefining the term "emergency vehicles" in the motor vehicle laws.

HB 868, relative to bilingual education.

HB 713, amending the title of RSA 126.

HB 754, granting authority to the commissioner of health and welfare to employ acting directors of the divisions of the department.

HB 760, authorizing the trustees of the New Hampshire retirement system to delegate the power to make investment decisions.

HB 316, relative to the exemption period for subdivision plat approval.

HB 353, changing the town charter of Hanover to make sewer rentals the only method of payment for sewage disposal expense.

HB 398, imposing fines on zoning violators.

HB 161, permitting licensees to promote the sale of alcoholic beverages at reduced prices.

HB 667, regulating recreational campgrounds.



HB 796, establishing an approved absence program in houses of correction.

RECONSIDERATION

Rep. Griffin moved that the House reconsider its action, whereby it passed HR 28, relative to the showing of an educational film about Laconia state school to members of the house of representatives and spoke to her motion.

Reps. Fred Murray and Alfreda Smith spoke against the motion.

Reconsideration lost.

357 members were recorded as present.

Reps. Marshall French and Spirou moved that the House adjourn.

Adopted.

The House adjourned at 4:50 p.m.

# HOUSE JOURNAL 29

*Thursday, 21 Apr77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Dear God, You who are the Way, the Truth and the Life, let us celebrate life responding with a lifestyle in harmony with the lifestyle made known by You in the One called Jesus. Minister to our blindness. Open our eyes that we may see beyond the temporary, the immediate, the pressure of the moment, that we may know right from wrong, good from evil. Like the "flowers", let it not be sung of us "Where have all the leaders gone, long time passing", but rather, "Well done thou good and faithful servants." Give us clear vision and courage to match our convictions. Let our words and deeds be in tune with Your Divine purposes, and then we shall surely serve our state and people well. Amen!

Rep. Paradis led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Cooney, Anthony Randall, Burrows, D'Amante, Forsaith Daniels, Neil McIver, Maglaras, Dostilio, the day illness.

Reps. Nardi and Paul Riley, the day, illness in the family.

Reps. Miller, Cornelius, Callahan, Sanborn, Roderick Allen, the day, important business.

Rep. Hogan, the day, attending a funeral.

## INTRODUCTION OF GUESTS

Members of the Durham, Dover and Madbury league of Women voters, guest of Rep. Sackett.

## SENATE MESSAGE CONCURRENCE

HB 68, relative to administrative functions of the fish and game department in declaring the opening and closing of seasons relative to fur-bearing animals.

HB 360, relative to the training of hunting dogs.

HB 324, relative to the taking of bobcat and fisher.

## NONCONCURRENCE

HB 160, relative to the procedure used to handle complaints filed with the commission for human rights.

HB 435, lowering the age at which the minimum hourly wage applies.

HB 82, relative to the surnames of spouses after marriage.

## PETITIONS

WHEREAS, the communities of Merrimack and Litchfield as Legislative District 13 together elect five representatives of the New Hampshire General Court, and

WHEREAS, these communities in the General Elections of 1972, 1974, 1976 and the Special Election of 1975 have elected representatives solely from the Town of Merrimack, thus effectively disenfranchising the Town of Litchfield, and

WHEREAS, the population of Merrimack, of 16,000, far outnumbers the population of Litchfield, and

WHEREAS, the population of Litchfield has grown from 1,649 persons as of April 1, 1970, and will exceed 2,900 persons as of April 1, 1977, and

WHEREAS, there will not be another U.S. Census of Population until 1980, and

WHEREAS, the Town of Litchfield will not share in the benefits of said census until the 1983 session of the General Court, therefore be it

RESOLVED, that the Town of Litchfield petition the New Hampshire General Court for a division of District 13 so that Litchfield may be entitled to a representative to the General Court, and furthermore, that the Selectmen of said Town of Litchfield be instructed to see that this petition be presented to the General Court through the proper channels.

The Assistant Clerk read the petition.

## VACATE

Rep. Stimmell moved that the House vacate the reference of HB 1020, relative to aquiculture, to the committee on Fish and Game and re-refer said bill to the committee on Environment and Agriculture. Adopted.

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 818, 281, 641, 587, 706, 657, 694, 768, 792, 873 and SJR 1, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 551, 761, 445, 844, 848, 750, 866, 673 and SBs 24 and 58 and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HBs 481, 366, 593 and 605 and further moved that the House adopt the committee recommendation of Refer to Interim Study by the appropriate standing committee on HB 508.

HB 641 was withdrawn from the Consent Calendar at the request of Rep. Rounds. Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 818, requiring high school students to pass a standard examination to graduate. Inexpedient to Legislate. Rep. Gary Dionne for Education.

Inexpedient to legislate inasmuch as the Committee feels the subject is covered by HB 413. Vote was 17-1.

HB 281, excluding land zoned as "industrial" from the provisions of RSA 70-A, except if said land is subject to discretionary easements. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

Under this bill, that industrially-zoned land which would qualify for current use assessment would be forced into industrial development, as the current use of the land would not be used for assessment purposes. The Committee felt that this bill would set a dangerous precedent, in that it would allow local zoning ordinances to circumvent the purpose of the current use law. Committee vote was 17-0 with three absent.

HB 587, relating to the state health planning and development agency. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration. Subject matter covered by HB 602. Unanimous vote.

HB 706, relative to the presentation of evidence in drug cases. Inexpedient to Legislate. Rep. Carpenito for Judiciary. The constitutional right of a defendant to confront his accusers has consistently been upheld by the courts. This bill would threaten that guarantee. Further, testimony at the public hearing did little to justify the need for this legislation. The Committee vote was unanimous to recommend this bill as inexpedient to legislate.

HB 657, permitting a person to recover damages resulting from the intentional torts of an unmarried minor in an action against the minor's parents. Inexpedient to Legislate. Rep. Arthur Perkins for Judiciary.

The bill would permit recovery against the parents of a minor child for his or her intentional torts. The Committee felt this bill is inequitable because parents would be liable for damages even though they were not at fault and had no control over the acts of the minor child.

HB 694, relative to the waiving of rights. Inexpedient to Legislate. Rep. Aller for Judiciary.

This bill would eliminate arbitration and other means of dispute settlement, and would virtually require that all disputes be resolved in the courts thereby further burdening them with needless litigation.

HB 768, creating the crime of negligent contribution to a child's delinquency and permitting a person to recover damages resulting from the torts of a minor in an action against the minor's parents. Inexpedient to Legislate. Rep. Daniel Eaton for Judiciary.

The problem which this bill seeks to solve is already adequately addressed in the statutes.

HB 792, relative to leave of absence of state legislators during a term of general court. Inexpedient to Legislate. Rep. Lyons for Legislative Administration. Committee felt this interferes with private industry. Neither the sponsor nor anyone else attended the hearing with the exception of the Committee. Unanimous vote.

HB 873, requiring members of planning boards to take a soils course within one year after their appointment or election thereto. Inexpedient to Legislate. Rep. Mann for Municipal and County Government. The Committee feels that a compulsory soils course is unnecessary and impractical considering the County and Federal soil analysis services available to all planning boards.

SJR 1, establishing a committee to study the feasibility of quarter horse race meets running concurrently with thoroughbred race meets. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The Committee felt that interested parties could get together and present a bill mutually acceptable by all parties at our next session. No need for the bill (to set up a study committee). Vote was 13-0.

HB 551, relating to strengthening the powers of the collection division of the department of revenue administration. Ought to Pass. Rep. Trachy for Executive Departments and Administration.

This bill simply brings the state's tax collection power into line with the federal government's internal revenue code. The state is now losing money to the federal government because of the lack of levy power in jeopardy assessments. Committee vote was unanimous.

HB 761, relative to the destruction of certain papers in the department of labor. Ought to Pass. Rep. Close for Executive Departments and Administration.

Bill would remove requirement of ten year retention period in Department of Labor and substitute the requirement of the State Records Management and Archives Law (RSA 8-b), generally seven years. Housekeeping measure. Unanimous.

HB 445, relative to the penalty of a non-resident salt water fishing without a license. Ought to Pass. Rep. Scott for Fish and Game.

This is a housekeeping bill for the Department of Fish and Game to clear up penalty for trawling on the seacoast. vote was 13-0.

HB 844, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver. Ought to Pass. Rep. Lynch for Health and Welfare.

This bill would require all commercial eating establishments to display the Heimlich maneuver or similar anti-choking maneuver to assist rescuers of persons who are choking on their food. Without assistance of some kind, a person choking on his food could die of strangulation within four minutes. This display would indicate what to look for as signs of food choking and would indicate the proper maneuver to expel the object from the victim's breathing passage. The Committee vote was unanimous.

HB 848, requiring optometrists and ophthalmologists to report all discovered cases of bad vision to the bureau of blind services. Ought to Pass. Rep. Copenhaver for Health and Welfare.

This bill requires that all cases of bad vision and legal blindness be reported to the Division of Vocational Rehabilitation, Bureau of Blind Services and Department of Education. Presently, many people suffering with impaired vision are not aware of services available to them. The need for this legislation is evident because there are 1600 people in New Hampshire who are legally blind and 3200 who are visually impaired.

HB 750, permitting the appointment of an assistant county attorney for the county of Rockingham. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

This is simply permissive legislation which the county delegation supports in full.

HB 866, relative to the board of adjustment decisions. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

This is an excellent bill which has the unanimous support of the Committee. This bill would codify the rules of law set down by the State Supreme Court thereby clarifying the law and offering guidelines for the boards and the people. Presently, few guidelines exist, so many inequities result.

HB 673, amending the Conservation Commission Enabling Act by increasing the commission's responsibilities. Ought to Pass. Rep. Clafin for Resources, Recreation and Development.

The bill adds energy related problems to the responsibilities of conservation commissions. Vote was 11-0.

SB 24, relative to the statutory definition of "farm, agriculture, farming." Ought to Pass. Rep. Rogers for Environment and Agriculture.

This bill removes an obsolete provision from the law. No opposition at hearing. Unanimous vote of Committee.

SB 58, relative to the rule-making powers of the weights and measures division of the department of agriculture. Ought to Pass. Rep. Rogers for Environment and Agriculture.

This bill amends the present law so that it agrees with procedures being followed now by all fifty states. Regulations published by the national conference on weights and measures are implemented into the New Hampshire law.

HB 481, amending the charters of certain savings banks. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

Makes routine amendments to the charters of five savings banks. All savings banks must come to the Legislature for charter changes. One of the amendments increases the minimum number of trustees of the Woodsville Guaranty Savings Bank from 5 to 8. The Committee vote was unanimous.

#### Amendment

Amend 1889, 268:5 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

Sect. 5. The special depositors for the guaranty fund and their assigns shall by virtue thereof become and be members of the corporation, and shall have and exercise all the rights and powers of the same, each special depositor being entitled to one vote for each ten dollars of his said deposit; but no member shall incur or be subject to any individual liability in any case for any debts or liabilities of the corporation. And the management and control of the affairs of the corporation shall be vested in a board of not less than eight nor more than fifteen trustees, to be chosen by the members of the corporation. A majority of said board, at any meeting duly notified, shall constitute a quorum for the transaction of business. Said board shall have the power to make and establish such rules and regulations as they may think proper for the transaction of the business of the corporation.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Cheshire County Savings Bank; Limit on Number of Members Eliminated. Amend 1897, 193:4, as amended by 1961, 326:1, II by striking out said section and inserting in place thereof the following:

Sect. 4. Said corporation at its annual meeting each year shall have the power to elect, by ballot and majority vote of those present, such number of additional members as the meeting may determine. At each annual meeting of said corporation there shall be elected, by ballot and major vote of those present, from among the members, a clerk and a board of trustees, composed of not less than seven nor more than eleven members as



shall annually be determined, who shall hold their offices until others are elected and qualified in their stead. The management of the business of said savings bank shall be committed to said trustees under the restrictions of the by-laws and the laws of the state. Any vacancy in the board of trustees may be filled at a special meeting of said corporation called for that purpose. Said corporation at its first meeting shall enact such by-laws for the government and management of its business as shall not be incompatible with the laws of the state, and may from time to time, at the annual meetings or at a special meeting called for that purpose, alter and amend the same; but no by-law or regulation shall take effect or be in force until the same shall have been approved by the bank commissioners. Said corporation shall at its first meeting adopt a common seal which may be changed and renewed at pleasure, and all deeds, conveyances, grants, covenants, and agreements made by the president of said bank, or any other person acting under the authority of the board of trustees, shall be good and valid in law.

6 Effective Date. This act shall take effect upon its passage.

HB 366, requiring results of second reading votes be included as part of questions proposing constitutional amendments. Ought to Pass with Amendment. Rep. Hess for Constitutional Revision.

The Committee unanimously agreed that the voters would be well served by knowing the results of the vote taken on a proposed amendment in the House and Senate, or at the Constitutional Convention, when its known.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Second Reading Vote. Amend RSA 59:12 by inserting in line 4 after the word "candidates." the following (a question for the approval of a constitutional amendment shall include as part of that question the results, when known, of the vote taken at the second reading of the proposed amendment in both the senate and house of representatives or at the constitutional convention whichever is appropriate.) so that said section as amended shall read as follows:

59:12 Questions Submitted. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people such question shall be printed upon the ballots after or beneath the list of candidates. A question for the approval of a constitutional amendment shall include as part of that question the results, when known, of the vote taken at the second reading of the proposed amendment in both the senate and house of representatives or at the constitutional convention whichever is appropriate. The ballots shall be so printed as to give to

each voter an opportunity to designate by a cross (X) in a square his answer to the question submitted. A convention to revise the constitution may, however, direct that amendment questions shall be printed on a separate ballot. On all ballots, above constitutional amendment questions, there shall be printed the following words: Questions Relating to Constitutional Amendments Proposed by the Convention to Revise the Constitution.

HB 593, permitting a licensee or a holder of an "on sale" permit to sell at another location under certain conditions. Ought to Pass with Amendment. Rep. Sanborn for Regulated Revenues.

The Committee feels that this bill, as amended, would permit a licensee or a holder of an "on sale" permit to sell at another location under certain conditions. The Committee was unanimous.

#### Amendment

Amend RSA 178:8-b inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

178:8-b Special Licenses and Permits. Notwithstanding the provisions of RSA 178 or RSA 181, the commission may issue a limited permit or license or both to any responsible individual representing a voluntary nonprofit group or organization approved by the commission or to any holder of a license issued under the provisions of RSA 178:3 or 178:3-a. Said permit or license shall authorize the nonprofit group or organization to sell to members and the guests of the group or organization for whose benefit such permit or license shall have been issued, on premises approved by the commission, the beverages or liquor described in the permit or license. Said permit or license issued to the holder of a license issued under the provisions of RSA 178:3 or 178:3-a shall authorize the licensee to sell such beverages or liquor only as prescribed in the above sections.

Amend RSA 178:8-f as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

178:8-f Regulations; Fees.

I. The commission shall promulgate such rules and regulations as it deems necessary for the administration of RSA 178:8-b through 8-f.

II. The fee for a special permit issued to a nonprofit organization pursuant to RSA 178:8-b, shall be \$15 per day, and an additional fee of \$15 per day for a special license.

III. The fee for a special permit issued to a licensee pursuant to RSA 178:8-b shall be \$25 per day, and an additional fee of \$25 per day for a special license.

HB 605, to provide a special liquor and beverage license for race tracks. Ought to Pass with Amendment. Rep. Sanborn for Regulated Revenues.

The bill, as amended, provides an improved law to govern licenses at race tracks. The vote of the Committee was 12-0.

#### Amendment

Amend RSA 178:5-d as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

178:5-d Race Tracks. The commission may issue to any operator of a race track or his designee a special license which shall permit the licensee to serve liquor and beverages to patrons in such rooms or areas as are located within the confines of the track and are approved by the commission and only during the hours set by the commission for such service in restaurant cocktail lounges. Such race track shall be licensed either by the state racing commission or the state greyhound racing commission for pari-mutuel betting purposes. Liquor and beverages sold by a licensee under this section need not be consumed with meals, provided, that suitable food services, approved by the commission, are available for patrons. The fee for such special license shall be \$1,500 a year, and shall be in lieu of fees for any other type of license or permit issued by the commission. A licensee under this section may sell beverages and liquor on dates other than those on which pari-mutuel betting takes place.

HB 508, relative to taxation of electric plants, refineries and pipelines. Refer to the Committee on Ways and Means for Interim Study. Rep. Quimby for Ways and Means.

In some future time the state must consider the regional and statewide tax impact of large industrial installations such as an oil refinery or nuclear power plant and study a formula to distribute such tax windfalls more equitably.

#### COMMITTEE REPORTS

##### (Regular Calendar)

SB 25, relative to sweepstakes commission funds. Ought to Pass with Amendment. Rep. Tucker for Appropriations. This bill will allow the Sweepstakes Commission to efficiently handle its funds. The Committee did not feel they should fix the amount of a special fund by legislation. They felt this could be accomplished by a footnote.

#### Amendment

Amend RSA 284:21-jj, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

284:21-jj Sweepstakes Commission Funds. Notwithstanding any provision of law to the contrary, in order to allow the sweepstakes commission to efficiently

handle its funds, the commission is authorized to have service fees paid to banks and sales outlets deducted from sweepstakes receipts and, with the approval of governor and council, to have prizes paid by sales outlets from sweepstakes receipts so long as full accountability is assured. The commission is authorized to enter into agreements with banks as to the charges for services rendered. Sweepstakes funds shall be deposited in commercial banks throughout the state. These funds shall be transferred on a weekly basis to the state treasurer.

Amendment adopted.

Ordered to third reading.

HB 804, conforming the New Hampshire clean air act to the requirements of the federal environmental protection agency. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

The amendment removes the first section of the bill which set up the Air Pollution Agency and Commission as a separate agency. The remaining sections simplify and clarify the present law to conform to EPA suggestions and to reflect commission and agency present practices.

#### Amendment

Amend the bill by striking out section 1 and renumbering the original sections 2 - 10 to read as  
1 , 2 , 3 , 4 , 5 , 6 , 7 , 8 , 9 ,  
respectively.

Amendment adopted.

Ordered to third reading

HB 602, establishing an office of health planning and development and making an appropriation therefor. Ought to Pass with Amendment. Rep. Roderick O'Connor for Executive Departments and Administration.

As amended, HB 602 makes the director an unclassified state employee and requires the Office of Health Planning and Development to do the health planning for New Hampshire under PL 93-641. The amendment transfers the Hill-Burton functions to the office as mandated by federal law. Vote 16-0 in favor.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 126-A by inserting after section 43 the following new subdivision:  
Office of Health Planning and Development  
126-A:44 Definitions. As used in this subdivision:

I. "Commissioner" means the commissioner of the department of health and welfare.

II. "Department" means the department of health and welfare.

III. "Director" means the director of the office of health planning and development.

IV. "H.S.A." means health systems agency.

V. "Health systems agency" means the private nonprofit corporation established pursuant to the National Health Planning and Resources Development Act of 1974 to receive federal funds for expenditure on health planning and development for the New Hampshire district.

VI. "Office" means the office of health planning and development under the commissioner, as established by this subdivision.

VII. "Secretary" means the secretary of the United States Department of Health, Education and Welfare.

VIII. "S.H.C.C." means the statewide health coordinating council.

IX. "Statewide health coordinating council" means the entity created by this subdivision to give advisory assistance to the office as mandated by the National Health Planning and Resources Development Act of 1974.

126-A:45 Office Established. There is hereby established an office of health planning and development under the commissioner. Said office shall consist of a director and such technical staff as are required to carry out the functions of Public Law 93-641 and amendments thereto.

126-A:46 Office to Implement and Coordinate the National Health Planning and Resources Development Act of 1974 (Public Law 93-641). The governor shall designate the department of health and welfare to administer the provisions of Titles XV and XVI of the United States Public Health Service Act, as amended, and as it relates to the office of health planning and development and the director is hereby authorized to receive and expend federal funds under said act in accordance with state administrative procedures.

126-A:47 Director. There shall be a director of the office who shall be an unclassified state employee appointed by the governor and council, upon recommendation of the commissioner, for a 4 year term. The director shall have professional training in a health management discipline, with a minimum of 5 years experience in health care administration at patient care level, public or business administration or a related social science as well as executive level experience in the field of health and any equivalent combination of 7 years professional education and experience in health care management.

126-A:48 Staff of Office. The staff of the office shall consist of the following classified positions, in addition to the unclassified position of director: an assistant director for planning and coordination, an assistant director for program development and review and such stenographic, clerical, technical and other staff and assistants as may be necessary for the director to carry out the duties of the office,

subject to the rules and regulations of the personnel department and within the limits of the appropriations made therefor.

126-A:49 General Duties. The office shall be responsible for the performance of health planning and development functions prescribed by the United States Public Health Service Act, as amended. The office shall administer the state administrative program within the department, and by agreement or contract through other agencies of state government.

126-A:50 Functions. The office shall:

- I. Conduct the health planning activities of the state and implement those parts of the state health plan which relate to the government of the state;

- II. Prepare a preliminary state health plan for review and approval by the SHCC established by this subdivision;

- III. Provide administrative support to the SHCC;

- IV. Serve as the designated planning agency of the state for the purpose of administering section 1122 of the Social Security Act (Public Law 92-603);

- V. Review all new institutional health services, as to the need for such services and establish statewide procedures for review of new services by all health and planning agencies authorized to operate in New Hampshire;

- VI. Periodically review all institutional health services offered in the state and make public findings concerning the continuing appropriateness of such services;

- VII. Adopt and provide public notice of review procedures and criteria prior to review of new institutional health services; and

- VIII. Administer the hospital survey and construction law as established by RSA 152.

126-A:51 Duties of Director. The director shall:

- I. Assume overall administrative direction of the health planning and development program in the state, including inter-agency coordination;

- II. Develop and implement, within broad statutorily set policy guidelines, state health planning priorities;

- III. Coordinate health planning and development activities with health agencies and health planning agencies;

- IV. Prepare such evaluations and reports as may be required from time to time by federal or state law;

- V. Develop and implement procedures and criteria for use in the review of proposed or existing health services;

- VI. Provide a point of access for the general public for records and data relating to state health planning and development activities;

- VII. Act as the liaison between the state and the public and private agencies and organizations in New Hampshire involved in the development and offering of health services of all types;

- VIII. Prepare a budget, with the advice of the SHCC and with the approval of the commissioner, for health planning



and development activities in the state, and review periodically expenditures of all units in the office in accordance with such budgets;

IX. Adopt an appeals procedure from decisions of the agency, as required by Public Law 93-641 and amendments thereto;

X. Coordinate all management and support services for the office;

XI. Act as the senior health planning professional in state government in all matters relating to health planning policy and provide technical and professional leadership in policy development and planning theory;

XII. Act as the administrative head of the office, responsible for all management and personnel decisions affecting said office;

XIII. Represent the state in all matters relating to health planning policy and development and the various activities under its designation agreement with the department of health, education and welfare;

XIV. Represent the state in coordinating state and private agencies with health related functions to secure their cooperation and compliance with state health plans and policies developed in accord with the provisions of Public Law 93-641 and the state's designation agreement;

XV. Direct the staff of the office in carrying out all mandatory functions for such an agency under Public Law 93-641 and appropriate federal and state laws;

XVI. Render decisions on health facility capital expenditures, review projects submitted in accordance with section 1122 of the Social Security Act (Public Law 92-603), review new institutional health services, giving due consideration to the recommendations of the health systems agency and appropriate committees of the SHCC, as required by Public Law 93-641 and amendments thereto, with the approval of the commissioner;

XVII. Serve as the non-voting secretary of the SHCC and be responsible for all allocations of financial and personnel resources of the office in support of the SHCC and its authorized committees;

XVIII. Direct the design and implementation of activities for evaluation of the effectiveness of health planning and development functions carried out at the state level and report publicly the same to the governor, the commissioner and the SHCC;

XIX. Have full authority, either delegated or assumed, to act for the commissioner in all matters relating to the office's operation.

126-A:52 General Provisions. In addition to any other powers and duties set forth in this subdivision or as otherwise provided by statute, the office of health planning and development shall, with the approval of the commissioner, have the authority to do the following:

I. Coordinate the work of the other divisions of the department as the responsibilities of the other divisions relate to health planning and development and promulgate such rules and regulations, in accordance with RSA 541-A, and with the approval of the commissioner, as may be necessary for that purpose;

II. Develop a preliminary state health plan;

III. Coordinate agency activities with the HSA and contiguous state health planning and development agencies and contiguous health systems agencies.

126-A:53 Statewide Health Coordinating Council, Established, Composition, Appointment. There shall be a statewide health coordinating council to advise the office of health planning and development established under this subdivision. The SHCC shall be established in accord with federal law and regulations as to composition. Members shall be appointed by the governor and they shall elect a chairman from among their membership.

126-A:54 Meetings. The SHCC shall meet at least once every 3 months to perform one or more of its functions. All business meetings, as well as meetings of committees, subcommittees and special task forces, if any, shall be held in accordance with the provisions of RSA 91-A.

126-A:55 Duties of SHCC. The SHCC shall:

I. Review annually and coordinate the health services plan and the annual implementation plan of the HSA and report to the secretary its comments in such form and such manner as said secretary may direct;

II. Review and make recommendations for revision or adoption, as necessary, but at least annually, the state health plan, based upon the health systems plan. The SHCC may recommend revision of the health systems plan to achieve more coordination or more effectively meet statewide health needs; and, in preparation of the plan, review and consider the preliminary plan submitted by the office of health planning and development and conduct a public hearing on the plan as proposed by the SHCC. Interested persons shall be provided the opportunity to express their views orally and in writing. Public notice shall be provided in accordance with federal regulations and, 15 days prior to publication, the governor shall be provided with a copy of the plan for purposes of his review and comment. At such time and in such form and manner as prescribed by the secretary, the SHCC shall approve and provide to the secretary a copy of the state health plan;

III. Review annually the budget of the HSA and forward comments to the secretary;

IV. Advise the office generally on the performance of its functions;

V. Review annually and approve or disapprove any state application, submitted to the secretary as a condition



to the receipt of federal funds made available under allotment in accordance with section 1524 (c) (6) of the Public Health Service Act;

VI. Review and approve or disapprove the state medical facilities plan prepared by the office pursuant to section 1603 of the Public Health Service Act on the basis of whether such state medical facilities plan is consistent with the state health plan.

126-A:56 SHCC Financial and Administrative Support.

I. The office of health planning and development shall be the sole source of ongoing staff, technical and program assistance to the SHCC. The assistance provided to the SHCC by the office shall include travel reimbursement for meetings, site-visits and related activities consistent with state travel rules and within the limits of the appropriations provided for this purpose.

II. The director shall serve as the non-voting secretary of the SHCC and shall be responsible for developing appropriate staffing patterns and supervising all office staff and office staff assistants provided to the SHCC.

126-A:57 SHCC Bylaws. The SHCC shall be established, organized and operated with bylaws or other similar rules or regulations which shall, at a minimum:

I. Set forth the SHCC organizational structure and relationships to the governor and the office,

II. Set forth methods of operation, including provisions for the scheduling and conduct of meetings;

III. Set forth requirements for membership and procedures for the selection and replacement of members which shall be consistent with the requirements of Public Law 93-641 and which shall include provisions for replacement of members in the event of resignation, death or removal of members for good cause; provided, however, that the length of terms for members may not exceed 3 years and limitations on the number of consecutive terms which any member may serve, which may not exceed 2 terms; and

IV. Set forth requirements relating to conflicts of interest which shall be designed to preclude the use of membership on the SHCC for purposes which are or give the appearance of being motivated by private gain on the part of any member.

2 Status of Current Director; Transition. The person holding the position of director of the state health planning and development agency on January 1, 1977 shall be the director of the office of health planning and development established pursuant to RSA 126-A:45 as inserted by section 1 of this act, and said person shall not be required to take an examination or meet any further requirements in order to become the said director.

3 Salary of Director of Office of Health Planning and Development. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12 as amended by inserting in proper alphabetical order, the following:

Director, office of health planning and development 22,000 27,500

4 Definition Amended. Amend RSA 152:2, 1 by striking out said paragraph and inserting in place thereof the following:

1. "Office" means the office of health planning and development, under the commissioner of the department of health and welfare, as established by RSA 126-A:45.

5 Division References Replaced. Amend RSA 152:3 by striking out said section and inserting in place thereof the following:

152:3 Administration. The office shall constitute the sole agency of the state for the purpose of (1) making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction as provided in RSA 152:6 and 7, and (2) developing and administering a state plan for the construction of public and other non-profit hospitals as provided in RSA 152:9 and 15.

6 Division References Replaced. Amend RSA 152:4 by striking out said section and inserting in place thereof the following:

152:4 General Powers and Duties of Office of Health Planning and Development. In carrying out the purposes hereof, the office is authorized and directed:

I. To require such reports, make such inspections and investigations and recommend such regulations as it deems necessary;

II. To provide such methods of administration, and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

III. To procure in its discretion the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

IV. To the extent that it considers desirable to effectuate the purposes hereof, to enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

V. To accept on behalf of the state and to deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes hereof, and to expend the same for such purpose. The funds hereby accepted shall be kept by the state treasurer for the purposes of this chapter only;

VI. To make an annual report to the governor on activities and expenditures hereunder, including recommendations for such additional legislation as the office considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this state.

#### 7 Division References Replaced. Amend

RSA 152:6 by striking out in line one the word "division" and inserting in place thereof the following (office) so that said section as amended shall read as follows:

#### 152:6 Survey and Planning Activities.

The office is authorized and directed to make an inventory of existing hospitals, including public, non-profit and proprietary hospitals, to survey the need for construction of hospitals, and, on the basis of such inventory and survey, to develop a program for the construction of such public and other non-profit hospitals as well, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic and similar services to all the people of the state.

#### 8 Division References Replaced. Amend

RSA 152:8 by striking out said section and inserting in place thereof the following:

#### 152:8 Federal Funds for Survey and Planning.

The office is authorized to make application to the surgeon general for federal funds to assist in carrying out the survey and planning activities herein provided. Such funds shall be deposited in the state treasury and shall be available to the office for expenditure for carrying out the purposes of this subdivision. Any such funds received and not expended for such purposes shall be repaid to the treasury of the United States.

#### 9 Division References Replaced.

Amend RSA 152:8 by striking out said section and inserting in place thereof the following:

#### 152:9 State Plan. The office shall

prepare and submit to the surgeon general a state plan which shall include the hospital construction program developed under the preceding subdivision and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder. The office shall, prior to the submission of such plan to the surgeon general, give adequate publicity to a general description of all the provisions proposed to be included therein, and hold a public hearing at which all persons or organizations with a legitimate interest in such plan may be given an opportunity to express their views. After approval of the plan by the surgeon general, the office shall publish a general description of the provisions thereof in at least one newspaper having general circulation in each county in the state, and shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The office shall from time to time review the hospital construction program and submit to the surgeon general any modifications thereof which he may find necessary and may submit to the surgeon general such modifications of the state plan, not inconsistent with the requirements of the federal act, as it may deem advisable.

#### 10 Division References Replaced.

Amend RSA 152:10 by striking out in line one the word "division" and inserting in place thereof the following (office) so that said section as amended shall read as follows:

152:10 Minimum Standards for Hospital Maintenance and Operation. The office shall by regulation prescribe minimum standards for the maintenance and operation of hospitals which receive federal aid for construction under the state plan.

#### 11 Division References Replaced.

Amend RSA 152:12 by striking out in line 3 the word "division" and inserting in place thereof the following (office) so that said section as amended shall read as follows:

152:12 Construction Projects; Applications. Applications for hospital construction projects for which federal funds are requested shall be submitted to the office and may be submitted by the state or any political subdivision thereof or by any other public or non-profit agency authorized to construct and operate a hospital. Each application for a construction project shall conform to federal and state requirements.

#### 12 Division References Replaced.

Amend RSA 152:14 by striking out in line one and 3 the word "division" and inserting in place thereof the following (office) so that said section as amended shall read as follows:

152:14 Inspection of Projects. From time to time the office shall inspect each construction project approved by the surgeon general, and, if the inspection so warrants, the office shall certify to the surgeon general that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due to the applicant.

#### 13 Division References Replaced.

Amend RSA 152:15 by striking out in lines one and 10 the word "division" and inserting in place thereof the following (office) so that said section as amended shall read as follows:

#### 152:15 Hospital Construction Fund.

The office is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants. There is hereby established, separate and apart from all public moneys and funds of this state, a Hospital Construction Fund. Money received from the federal government for a construction project approved by the surgeon general shall be deposited to the credit of this fund and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Warrants for all payments from the hospital construction fund shall bear the signature of the office or its duly authorized agent for such purpose.

14 Transfer of Functions. All the powers, duties, functions, personnel, records and property of the division of

public health services that are held by the department of health and welfare for the operation of the hospital survey and construction law, pursuant to RSA 152, are hereby transferred to the office of health planning and development, under the commissioner of the department of health and welfare, as established by RSA 126-A:45.

15 Chief of Hospital Survey and Construction Programs. The chief of the hospital survey and construction programs of the division of public health services, in office on the effective date of this act, shall continue in office, after the transfer of functions provided for in section 14 of this act, and shall serve in an equivalent capacity in the office of health planning and development. Said chief shall be under the administrative direction of the director of the office of health planning and development but shall remain in the facilities provided for the hospital survey and construction programs. Such person shall not be separated from the facilities so provided but shall remain associated with such facilities so long as said programs are continued.

16 Appropriation. The sums hereinafter detailed are hereby appropriated to the department of health and welfare for the purposes of section 1 of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

	Fiscal Year 1978	Fiscal Year 1979
Permanent Personal Services	\$ 24,000	\$24,000
Current Expenses	20,620	22,620
Equipment	5,000	500
Other Personal Services	53,071	58,644
Benefits	11,561	12,397
In-State Travel	3,000	4,000
Out-of-State-Travel	1,100	1,100
Other Expenditures	--7,500	--7,500
Total	<u>\$125,852</u>	<u>\$130,761</u>

Estimated source of funds for office of health planning and development:

Federal Funds	\$ 94,389	\$ 97,801
General Funds	--31,463	--32,600
Total	<u>\$125,852</u>	<u>\$130,401</u>

17 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Referred to Appropriations.

HB 788, relative to court appeals of planning board or zoning board of adjustments decisions. Inexpedient to Legislate. Rep. Daniel Eaton for Judiciary.

If we continually pass legislation setting priorities in the courts, the courts will need further legislation to set the priorities of the priorities.

Resolution adopted.

HB 791, giving attorneys the right to conduct a voir dire examination.

Inexpedient to Legislate. Rep. Daniel Healy for Judiciary.

Majority opinion feels voir dire examination would cause further congestion of court calendar with consequential additional court costs without adding anything to furtherance of justice.

Resolution adopted.

HB 823, relative to rights-of-way.

Inexpedient to Legislate. Rep. Daniel Eaton for Judiciary.

This bill would create a devastating problem with deeds and rights of way. It would be very difficult to contact all parties involved, and could raise serious questions as to who has a right of way through what. Unanimous vote of Committee.

Resolution adopted.

HB 280, relative to ownership of certain unlicensed dogs and the penalty involved for not licensing a dog. Ought to Pass with Amendment. Rep. Pepitone for Municipal and County Government.

This bill, as amended, would raise the fees for sheltering an unlicensed dog to \$3 to cover present costs and reduce the mandatory impoundment to seven days. The Committee has unanimously endorsed this bill as a means to educate the public to the necessity of properly caring for their pets.

#### Amendment

Amend RSA 466:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

466:14 Warrants: Proceedings. The mayor of each city and the selectmen of each town shall annually, within 10 days from June first, issue a warrant to one or more police officers or constables, directing them to proceed forthwith either to collect the fees due and pay them over to their respective town or city clerk, or any unlicensed dog may be seized and held in a humane shelter for a period of 7 days after which time full title to said dog shall pass to said shelter, unless the owner of said dog has before the expiration of said period, caused said dog to be licensed and shall pay said shelter the sum of \$3 per day for each day said dog has been kept and maintained by said shelter, plus any necessary veterinary fees incurred by said shelter for the benefit of said dog.

Amend RSA 466:18-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

466:18-a Title to Unregistered Dogs in Humane Societies. Whenever an incorporated society for the prevention of cruelty to animals shall keep and maintain for 7 consecutive days an unlicensed dog



whose owner is unknown, full title to said unlicensed dog shall pass to said society at the end of said 7 day period, unless the owner of said dog shall, before the expiration of said period, cause said dog to be licensed and shall pay said society the sum of \$3 per day for each day said dog has been kept and maintained by said society, plus any necessary veterinary fees incurred by said society for the benefit of said dog.

Amendment adopted.

Ordered to third reading.

HB 679, relative to the fees for licensing dogs and dog keepers or breeders and requiring a health certificate on dogs sold by breeders and providing a late fee for failure to procure a license prior to June 1. Ought to Pass with Amendment. Rep. Burke for Municipal and County Government.

This bill provides for a long overdue increase in dog licensing fees; requires health certificates on dogs purchased from breeders and encourages neutering dogs, with reduced licensing fees, to help control the dog population problem. This bill is the result of an interim study and has engaged much support as an effort toward better dog control. The amendment changes the requirement that no dog shall be sold less than twelve weeks to less than eight weeks, which is common practice.

#### Amendment

Amend RSA 466:6-a, I, II and III as inserted by section 3 of the bill by striking out said paragraphs and inserting in place thereof the following:

I. No dog shall be offered for sale or sold in the state or out of the state by a breeder, without first being innoculated against distemper, and unless accompanied by an official health certificate issued by a licensed veterinarian. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be kept by the breeder of said dog for a period of at least 3 years and one copy of which shall be given to the purchaser.

II. For purposes of this section an official health certificate means a certificate signed by a licensed veterinarian on a form approved by the state veterinarian, containing the name and address of the breeder, the age, sex, breed and description of the dog, a list of all types of vaccines or medication administered to said dog, and the certification of the veterinarian that the dog is free from visual evidence of communicable diseases such as kennel cough (infectious tracheo bronchitis), canine distemper, external and internal parasites (including coccidiosis).

III. No breeder shall offer for sale any dog less than 8 weeks of age.

Amendment adopted.

Ordered to third reading.

HB 452, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. Ought to Pass with Amendment. Rep. Sanborn for Regulated Revenues.

The amendment limits to 13 maximum stores allowed to be open on Sundays and to be designated by the Liquor Commission. Projected increased revenue to be \$4.3 million. Vote was 11 to 2 in favor.

#### Amendment

Amend RSA 177:2-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

177:2-c Sunday Opening. The authority of the liquor commission to make rules and regulations relative to sale of liquor shall include the right to provide that no more than 13 stores may be open for business on any Sunday except January first, July fourth or Christmas day, whenever such days fall on a Sunday. Each employee shall be compensated 1-1/2 times his regular rate of pay for the actual number of hours worked. Employees may be assigned by the liquor commission and deployed to any store operating on a Sunday schedule. No store shall open for business on a Sunday prior to 1:00 p.m. and shall be closed by 8:00 p.m.

Amendment adopted.

Referred to Appropriations.

Rep. Stratton wished to be recorded against HB 452.

HB 15, exempting the tax on that portion of the dividend that constitutes a return of capital. Ought to Pass. Rep. McLane for Ways and Means.

HB 15 will exempt that part of a dividend that is return of capital. Since capital gains tax is paid on this amount upon the sale of the securities it appears to be double taxation. The estimated loss of revenue is estimated at less than \$50,000. The Committee vote was 14-1. Ordered to third reading.

HB 41, amending the interest and dividends tax by raising the rate and increasing exemptions. Inexpedient to Legislate. Rep. McLane for Ways and Means. The Governor's bill, HB 579, provides for the same increase to 5% in the interest and dividends tax. Resolution adopted.

HB 301, relative to the timber yield taxes. Ought to Pass with Amendment. Rep. Elmer Johnson for Ways and Means. This bill provides for interest to be collected on overdue timber tax.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## AN ACT

relative to timber yield taxes and the bond and debt retirement tax.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Interest on Unpaid Timber and Bond and Debt Retirement Taxes. Amend RSA 79 by inserting after section 4 the following new section:

79:4-a Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 79:3 and RSA 79:4, shall bear interest at the rate of 9 percent per year computed from the due date. Said interest on both taxes shall be collected by the tax collector and deposited in the general fund of the town.

Amendment adopted.

Ordered to third reading.

HB 527, increasing the rate of the business profits tax, allocating the increase in revenue and prohibiting a limitation in revenue returnable to cities and towns. Inexpedient to Legislate.

Rep. McLane for Ways and Means.

The Committee favored a 1% increase in the Business Profits tax, not a 2% increase as in this bill. Also, no matter how worthy the cause of the Laconia School and New Hampshire Hospital, earmarked revenue will only create new problems in state budgeting. Resolution adopted.

HB 535, relative to the distribution of the interest and dividends tax. Inexpedient to Legislate. Rep. Peters for Ways and Means.

The subject matter of this bill has been covered by HB 579. Resolution adopted.

HB 595, relative to exemption from the business profits tax. Inexpedient to Legislate. Rep. McLane for Ways and Means.

The revenue loss to the state was not estimated by the sponsor, but the Committee felt it would be considerable. Resolution adopted.

The Speaker requested a quorum count. The Speaker declared a quorum present.

Rep. Marshall French moved that debate be limited to thirty minutes equally divided on all bills.

Adopted.

HB 317, authorizing the conversion of state savings banks into federal savings banks. Majority: Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs. Minority (Reps. Crory, Pucci, Lefavour, Ward and Thomas W. Hynes): Inexpedient to Legislate.

Majority: A majority of the Committee feels that this bill is needed so that the state savings banks can convert directly to federal savings banks and vice versa rather than going through a

very expensive and time consuming indirect conversion procedure. All other types of financial institutions have had direct conversion authority for many years. The bill was not opposed in public hearing and has the support of the New Hampshire Bank Commissioner.

Minority: No compelling need was shown for this legislation. If federal legislation passes at some unknown future date, this bill enables state chartered banks to leave the jurisdiction of the New Hampshire Legislature and become federally chartered, under federal jurisdiction. The bill also enables federally chartered banks to become state chartered if such a desire exists. No state bank expressed a desire to be federally chartered; the Bank Commissioner knew of no federal bank that wished to be state chartered. If all the "ifs" fall in line, this bill would provide a coercive tool for the banks in future dealings with the New Hampshire Legislature.

Rep. Lamy moved that HB 317 be laid upon the table.

Adopted.

HB 641, requiring tests of equines that win prize money in pulling contests. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

The Committee feels there is no possible way the fairs could stand the costs this bill would generate. The state already spot checks these horses and last year found only one positive test out of 75 taken.

Rep. Rounds moved that the words, Refer to Environment and Agriculture for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Campbell spoke in favor of the motion.

Referred to the Committee on Environment and Agriculture for Interim Study.

HB 300, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances. Ought to Pass with Amendment. Rep. Copenhagen for Health and Welfare.

This bill allows the competent adult afflicted with a terminal illness to direct the withdrawal of life support systems that artificially prolong the moment of death. Many on the Committee felt that prolonging the moment of death causes family conflict and drains the family of financial resources. Medical expensive resources could be devoted to others when a person has asked not to be kept on a life sustaining machine. This legislation protects and safeguards those people who do not wish to prolong the moment of death by

artificial means, 30% of medicare payments are for patients in their final two weeks of life. This bill does not legislate mercy killing and specifically provides for its prohibition.

#### Amendment

Amend RSA 137-D:2, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. "Life-sustaining procedure" means any medical procedure or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital function, which, when applied to a qualified patient, would serve only to artificially prolong the moment of death and where, in the judgment of the attending physician, death will occur whether or not such procedures are utilized. "Life-sustaining procedure" shall not include the administration of medication or the performance of any medical procedure deemed necessary to alleviate pain.

Amend introductory clause to RSA 137-D:3, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The directive shall be substantially in the following form:

Amend RSA 137-D:3, II, 1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

1. If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by 2 physicians, and where the application of life-sustaining procedures would serve only to artificially prolong the moment of my death and where my physician determines that my death will occur whether or not life-sustaining procedures are utilized, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally.

Amend RSA 137-A:3, II, 5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

5. This directive shall have no force or effect if revoked by me orally or in writing.

Amend RSA 137-A:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

137-D:5 Duration of a Directive. A directive shall be effective until revoked in a manner prescribed in RSA 137-D:4. Nothing in this chapter shall be construed to prevent a declarant from reexecuting a directive at any time in accordance with the formalities of RSA 137-D:3, including reexecution subsequent to a diagnosis of a terminal condition. If the declarant has executed more than one directive, such time shall be determined from the date of execution of the last directive known to the attending physician. If the declarant becomes comatose or is rendered incapable

of communicating with the attending physician, the directive shall remain in effect for the duration of the comatose condition or until such time as the declarant's condition renders him or her able to communicate with the attending physician.

Amend Section 2 of the bill by striking out same and inserting in place the following:

2 Existing Directives. On the effective date of this act, all directives which have been executed by a declarant relating to the withdrawal or withholding of medical care in cases of terminal illness or mortal injury shall be deemed to be valid directives if such directives comply substantially with the provisions of RSA 137-D as inserted by section 1 of this act. Upon the expiration of any such directive, a new directive shall be executed as specified in RSA 137-D in order to be valid.

Amendment adopted.

Rep. Madeline Townsend moved that the words, Inexpedient to Legislate be substituted for the committee report, Ought to Pass with Amendment, and spoke to her motion.

Reps. Helen Wilson, Sara Townsend, Eugene Daniell, Fred Murray, Copenhaver and Close spoke against the motion.

Rep. Close yielded to Rep. Copenhaver for questions.

Rep. Lynch spoke in favor of the motion.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

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YEAS 78

BELKNAP: None

CARROLL: None.

CHESHIRE: Faucher, Fillback, Irvin Gordon, Elmer Johnson, Lynch, Matson and Scranton.

COOS: Burns, Huggins and Hunt.

CRAFTON: Aldrich, Ira Allen, Duhaime, Myrl Eaton, McAvoy, Pepitone, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Barrett, Burke, Margaret Cote, Cullity, William Desmarais, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Daniel Healy, George Healy, Karnis, Lachance, LaFleur, LaPlante, Armand Lemire, Madigan, McDonough, McGlynn, Timothy O'Connor, Paradis, Podles, Henry Richardson, Sing, Soucy, Harold Thomson, Emma Wheeler, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Laurent Boucher, John Cate, Chandler, LaBonte, Plourde, Ralph and Ernest Valliere.

ROCKINGHAM: Erler, Gaskill, Goff, Greene, King, Maynard, Joseph McEachern, Nelson, Parr, Schwaner and Tavitian.

STRAFFORD: Appleby, Donnelly, Dennis Ramsey, Ruel, Tripp and Voll.

SULLIVAN: Barrus, Brodeur, Lewko and Scott.

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BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Marsh, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Galloway, Anne Gordon, Krause, Ladd, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Fortier, Bradley Haynes, Horton, Keough, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Buckman, George Cate, Chambers, Clark, Copenhaver, Crory, Dearborn, Gemmill, Hough, Logan, Mann, Rounds, Snell, Stomberg, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Belanger, Albert Bellemore, Bernier, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Brody, Carswell, Coburn, Colson, Mark Connolly, Corser, Coughlin, Coutermarsh, Crotty, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drenniak, Dupont, Joseph Eaton, Girolimon, Cort Hansen, Head, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Knight, Lamy, Levesque, Lyons, Marcoux, Martin, Martineau, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Plomaritis, Polak, Quigley, Record, Seamans, Simard, Leonard Smith, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Kidder, Donna McIvor, McLane, McNichol, Mullin, Pelton, Arthur Perkins, Pratt, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Barka, Benton, Bisbee, Blake, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Flanagan, Beverly Cage, Canley, Gould, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Niebling, Norton, O'Keefe, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Vlack, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Canney, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Jonas, Joos, Kelly, Lefavour, Lessard, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Sackett, Schreiber, Donald Smith, Torrey, Valley, Shirley White and Wilson.

SULLIVAN: Desnoyer, Frizzell, Gray, Ingram, LeBrun, Palmer, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Ordered to third reading.

Rep. Plourde wished to be recorded against the motion of Inexpedient to Legislate on HB 300.

Rep. Rice wished to be recorded in favor of HB 300.

Rep. Soucy notified the Clerk that he inadvertently voted yea and meant to vote nay on HB 300.

HB 247, amending the charter of the city of Laconia relative to the police commission. Inexpedient to Legislate. Rep. LaBonte for Municipal and County Government.

Testimony at the hearing in Laconia indicated that this bill was purely of a "political" nature and that, if they desired, the city did have other options available for amending the charter.

Rep. Hildreth moved that the words, Ought to Pass with Amendment be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Richard Hanson and Bednar spoke against the motion.

Reps. James Murray and Sabbow spoke in favor of the motion.

On a voice vote, the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 169 NAYS 169

YEAS 169

BELKNAP: Ambrose, Bowler, Gary Dionne, Michael Hanson, Hildreth, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Raymond Conley, Dickinson, Found and Keller.



**CHESHIRE:** Daniel Eaton, Galloway, Irvin Gordon, Krause, Lynch, Matson, Parker, Proctor, Margaret Ramsay, Russell, Terry, Vrakatis and Terry Wiggan.

**COOS:** Bradley Haynes, Hunt, George Lemire, Patenaude, Poulin, Mabel Richardson, Theriault and Neila Woodward.

**GRAFTON:** Buckman, Chambers, Copenhaver, Crory, Dearborn, Hough, Snell, Stomberg, Taffe, Glynetta Thomson, Madeline Townsend and Ward.

**HILLSBOROUGH:** Ahern, Aubut, Belanger, Albert Bellemore, Bernier, Wilfrid Boisvert, Brack, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Gabrielle Gagnon, Gelinass, Cort Hansen, Head, Thomas Hynes, Kaklamanos, Knight, Lachance, LaFleur, Lamy, LaPlante, Armand Lemire, Martin, Martineau, McDonough, McGlynn, McLaughlin, Morrison, Nemzoff-Berman, Normand, O'Neil, Pappas, Plomaritis, Record, Soucy, St. George, Wallin, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

**MERRIMACK:** Bellerose, Blakeney, Bodi, Eugene Daniell, Foley, Gamache, Hess, McLane, McNichol, Mullin, Pelton, Plourde, Ralph, Rich, Shepard, Tarr, Trachy and Robert Watson.

**ROCKINGHAM:** Aeschliman, Barka, Bisbee, Blake, Blanchette, Carpenito, Collins, Connors, Cotton, Danforth, Dunfey, Ganley, Goff, Grieco, Hoar, Kashulines, Krasker, Laycock Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, O'Keefe, Parolise, Pucci, Rossley, Alfreda Smith, Splaine, Stratton, Vlack and Wojnowski.

**STRAFFORD:** Burchell, Canney, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Joncas, Joos, Kelly, Maloomian, Morrisette, Rod O'Connor, Dennis Ramsey, Valley, Voll, Shirley White and Allen Wilson.

**SULLIVAN:** Brodeur, Desnoyer, Gray, LeBurn and Palmer.

#### NAYS 169

**BELKNAP:** Beard, Marshall French, Lawton, Mansfield, Marsh and Morin.

**CARROLL:** Claflin, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

**CHESHIRE:** Chase, Close, Faucher, Fillback, Anne Gordon, Elmer Johnson, Ladd, Marshala, Moore, Scranton and Whipple.

**COOS:** Burns, Fortier, Horton, Huggins, Keough, Oleson, Alcide Valliere, Willey, Wiswell and York.

**GRAFTON:** Aldrich, Ira Allen, George Cate, Myrl Eaton, Gemmill, LaMott, Logan, Mann, McAvoey, Pepitone, Rounds and Taylor.

**HILLSBOROUGH:** Arnold, Barrett, Bednar, Bosse, Roland Boucher, Bridges, Burke, Coburn, Joseph Cote, Coughlin, Crotty, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, George Healy, Howard Humphrey, Karnis, Keefe, Levesque, Lyons, Madigan, Marcoux, Morgan, Fred Murray, Kerry O'Connor, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Peters, Podles, Polak, Quigley, Henry Richardson, Seamans, Simard, Sing, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Welch, Emma Wheeler and M. Arnold Wight.

**MERRIMACK:** Ayles, Bibbo, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Richard Hanson, James Humphrey, Kidder, LaBonte, Donna MacIvor, Packard, Arthur Perkins, Pratt, Doris Riley, Gerald Smith, Stockman, Doris Thompson, Ernest Valliere, Waters and Wiviott.

**ROCKINGHAM:** Akerman, William Boucher, Campbell, Cummings, Cunningham, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Gould, Greene, Griffin, Hartford, King, Joseph McEachern, Nelson, Niebling, Norton, Parr, Quimby, Richards, Rogers, Schwaner, Skinner, Stimmell, Tavitian, Webster, Wolfsen and Zabarsky.

**STRAFFORD:** Appleby, Walter Desmarais, Hebert, Lefavour, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey and Tripp.

**SULLIVAN:** Barrus, Frizzell, Ingram, Lewko, Scott, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Resolution adopted.

Rep. Rice wished to be recorded in favor of the motion, Ought to Pass on HB 247.

HB 745, relative to any appointments made by the Laconia city manager. Inexpedient to Legislate. Rep. Emile Biosvert for Municipal and County Government.

The Committee feels that because the City Council has the power to hire and fire the City Manager, he is already accountable to them and that a two-thirds approval of all appointments would considerably lessen the manager's powers over department heads and essentially change the manager form of government.

Rep. James Murray moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Richard Hanson and Bednar spoke against the motion.

Reps. Sabow and Plourde spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.



(Speaker presiding)  
YEAS 156 NAYS 180  
YEAS 156

BELKNAP: Ambrose, Cary Dionne, Michael Hanson, Hildreth, Marsh, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Raymond Conley and Found.

CHESHIRE: Daniel Eaton, Galloway, Irvin Gordon, Krause, Ladd, Lynch, Matson, Parker, Proctor, Russell, Slack, Terry, Vrakatitsis and Terry Wiggan.

COOS: Bradley Haynes, Hunt, Poulin, Mabel Richardson, Neila Woodward and York.

GRAFTON: Buckman, Clark, Crory, Duhaime, Snell, Taffe, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Aubut, Belanger, Bernier, Wilfrid Boisvert, Brody, Carswell, Coburn, Colson, Mark Connolly, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, Gelinas, Girolimon, Cort Hansen, George Healy, Thomas Hynes, Kaklamanos, Lachance, LaFleur, Lamy, Martin, Martineau, McGlynn, McLaughlin, Morrison, Nemzoff-Berman, Normand, O'Neil, Orcutt, Pappas, Pelletier, Plomaritis, Record, Seamans, Edward Smith, Soucy, St. George, Stahl, Stylianos, Wallace, Wallin, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bodi, Laurent Boucher, Foley, Hess, McNichol, Mullin, Pelton, Plourde, Ralph, Rich, Shepard, Stockman, Trachy, Waters and Robert Watson.

ROCKINGHAM: Barka, Carpenito, Collins, Connors, Cotton, Danforth, Dunfey, Erlar, Felch, Ganley, Goff, Grieco, Kashulines, Krasker, Lovejoy, Joseph MacDonald, Maynard, Nelson, O'Keefe, Parolise, Pucci, Quimby, Rossley, Alfreda Smith, Splaine, Stratton, Tavitian and Wojnowski.

STRAFFORD: Burchell, Canney, Donnelly, Charles Grassie, Dianne Herchek, James Herchek, Joos, Kelly, Lessard, Maloomian, Morrisette, Rod O'Connor, Dennis Ramsey, Voll and Allen Wilson.

SULLIVAN: Brodeur, Desnoyer, Gray, LeBrun, Palmer, Scott and Sara Townsend.

NAYS 180

BELKNAP: Beard, Bowler, Marshall French, Lawton, Mansfield, Morin and Nighswander.

CARROLL: Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Fillback, Anne Gordon, Elmer Johnson, Marshala, Moore, Margaret Ramsay, Scranton and Whipple.

COOS: Burns, Fortier, Horton, Huggins, Keough, George Lemire, Oleson, Theriault, Alcide Valliere, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Copenhagen, Dearborn, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds and Stomberg.

HILLSBOROUGH: Ahern, Ainley, Arnold, Barrett, Bednar, Albert Bellemore, Emile Boisvert, Bosse, Roland Boucher, Brack, Bridges, Burke, Corser, Crotty, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Sal Grasso, Head, Heald, Howard Humphrey, Karnis, Keefe, Knight, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, McDonough, Morgan, Fred Murray, Kerry O'Connor, Timothy O'Connor, Arnold Perkins, Peters, Podles, Polak, Quigley, Henry Richardson, Simard, Sing, Leonard Smith, Francis Sullivan, Harold Thomson, Van Loan, Geraldine Watson, Welch and Emma Wheeler.

MERRIMACK: Ayles, Bibbo, Blakeney, Carroll, John Cate, Chandler, Eugene Daniell, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, Packard, Arthur Perkins, Pratt, Doris Riley, Gerald Smith, Tarr, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, Blake, William Boucher, Campbell, Cummings, Cunningham, Cutcliffe, Davis, Robert Day, Flanagan, Beverly Gage, Gaskill, Gould, Greene, Hartford, Hoar, Kane, King, Laycock, Donna McEachern, Joseph McEachern, Norton, Richards, Rogers, Scamman, Schwaner, Skinner, Stimmell, Vlack, Webster, Helen Wilson, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Walter Desmarais, Bruce French, Hebert, Jonas, Lefavour, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Donald Smith, Torrey, Tripp, Valley and Shirley White.

SULLIVAN: Barrus, Frizzell, Ingram, Lewko and George Wiggins, and the motion lost.

Resolution adopted.

Rep. Parr wished to be recorded against the motion.

Rep. Rice wished to be recorded in favor of the Committee Report on HB 745.

HB 699, providing a referendum in certain cities or towns to limit the number of beverage permits or licenses to sell liquor. Majority: Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues. Minority (Reps. Sanborn, Rounds, Desmarais and Lachance): Ought to Pass.

Majority: The Committee is in sympathy with the sponsor of this bill. However, the majority of the Committee felt the solution would be best handled on a local level. Committee vote was 9-4.

Minority: This is a home rule issue. If towns and cities can vote wet or dry, why should they be refused the right to vote by referendum on a local

limitation of permits and licenses?  
Why should any state agency overrule  
local wishes?

Rep. Voll moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate and spoke to her motion.

Reps. Rounds, Kenneth MacDonald, Norton and Cunningham spoke against the motion.

Rep. Cunningham moved the previous question. Sufficiently seconded. Adopted.

Rep. Cunningham requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 70 NAYS 270

YEAS 70

BELKNAP: Bowler, Gary Dionne and Kenneth Randall.

CARROLL: Found.

CHESHIRE: Elmer Johnson, Ladd, Matson, Proctor, Russell, Scranton and Terry.

COOS: Patenaude, Theriault and Neila Woodward.

GRAFTON: Copenhaver, Stomberg, Taffe and Madeline Townsend.

HILLSBOROUGH: Bernier, Wilfrid Boisvert, Corser, Margaret Cote, William Desmarais, Head, Thomas Hynes, Lachance, LaPlante, McGlynn, O'Neil, Pelletier, Edward Smith, Leonard Smith, Wallin and James J. White.

MERRIMACK: Bellerose, LaBonte, Donna MacIvor, McLane, Pelton, Rich and Robert Watson.

ROCKINGHAM: Blake, Campbell, Cutcliffe, Ganley, Gaskill, Greene, Griffin, Nelson, O'Keefe, Parr, Richards, Rogers and Vlack.

STRAFFORD: Appleby, Burchell, Donnelly, Bruce French, Dianne Herchek, Joos, Kelly, Lessard, Ruel, Sackett, Schreiber, Tripp, Valley and Voll.

SULLIVAN: Frizzell and Sara Townsend.

NAYS 270

BELKNAP: Ambrose, Beard, Marshall French, Michael Hanson, Lawton, Mansfield, Marsh, Morin, James Murray, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Krause, Lynch, Marshala, Moore, Parker, Margaret Ramsay, Slack, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Poulin, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Clark, Crory, Dearborn, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Albert Bellemore, Emile Boisvert, Bosse, Roland Boucher, Brack, Bridges, Burke, Carswell, Coburn, Colson, Mark Connolly, Joseph Cote, Coughlin, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, Arline Dion, Drenniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Heald, George Healy, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, LaFleur, Lamy, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Martin, Martineau, McLaughlin, Morgan, Fred Murray, Normand, Kerry O'Connor, Timothy O'Connor, Orcutt, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Seamans, Simard, Sing, Soucy, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, McNichol, Mullin, Packard, Arthur Perkins, Plourde, Pratt, Ralph, Rice, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Barka, Bisbee, Blanchette, William Boucher, Carpenito, Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Robert Day, Dunfey, Flanagan, Beverly Gage, Carl Gage, Goff, Gould, Grieco, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, Parolise, Pucci, Quimby, Rossley, Scamman, Schwaner, Skinner, Splaine, Stimmell, Stratton, Tavitian, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Canney, Walter Desmarais, Charles Grassie, Hebert, James Herchek, Joncas, Lefavour, Maloomian, Meader, Morrisette, Nadeau, Osgood, Preston, Dennis Ramsey, Torrey and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Tucker and George Wiggins, and the motion lost.

Resolution adopted.

Rep. McDonough wished to be recorded in favor of the committee report.

(Rep. Marshall French presiding)

HB 579, amending the interest and dividends tax relative to the rate, method of distribution, and number of exemptions for the elderly or blind. Ought to Pass with Amendment. Rep. Peters for Ways and Means.

This bill increases the present 4-1/4% Interest and Dividends tax to 5%, and doubles the present \$600 exemption for elderly and blind. 90% of the revenue will be returned to cities and towns on a "hold harmless" formula which preserves and increases present town revenues but begins the change to a more equitable distribution based on population and tax burden not merely wealth of the community. The remaining 10% will be retained for the state general fund.

#### Amendment

Amend RSA 77:5, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. An additional \$600 if the taxpayer is 65 years of age or older on the last day of the tax year.

Amend RSA 77:34 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

77:34 Distribution. The commissioner of revenue administration shall determine the expense of administration for the year in which the tax is assessed and shall certify to the state treasurer the amounts of the remaining balance of the tax, after the expenses of administration have been deducted. A sum equal to 90 percent of the remaining balance shall be distributed on August 1 of that year to the cities and towns according to an equalized formula calculated by taking for each city and town the amount of local property taxes assessed, including current distributions of state revenues to local government, exclusive of educational funds; dividing that sum by the local equalized valuation as determined by the board of taxation; and multiplying the result by the local population to produce an equalizing factor for each city and town. Such equalizing factors shall be added together to produce a total state sum. Each local equalizing factor shall be divided by the total state sum to produce for each city and town a normalized factor. Each such normalized factor shall be multiplied by the total amount of revenue to be shared by the cities and towns to produce the annual share for each city or town. Provided, however, that no city or town shall receive under the provisions of this section an amount less than it received in the distribution of the interest and dividends tax revenues of August 1, 1976. The funds for any such adjustment shall be provided by a pro rata reduction in the amount distributed to those cities and towns otherwise receiving more than in the distribution of August 1, 1976. The remaining 10 percent of the balance shall go into the general fund. Provided,

further, that any interest and penalties collected thereon may be retained by the state and applied to the expense of administration.

Rep. McLane explained the bill.

Reps. Quimby, Wallin, Peters, Elmer Johnson and Gemmill spoke in favor of the committee report.

Rep. Close spoke against the committee report.

Rep. Niebling spoke in favor of the amendment and against the bill.

Amendment adopted.

Rep. Aeschliman moved that the words, Refer to Committee on Ways and Means for Interim Study, be substituted for the committee report, Ought to Pass with Amendment and spoke to her motion.

(Speaker presiding)

Rep. Chandler spoke against the bill.

Reps. Lyons and Bridges spoke against the motion and in favor of the committee report.

Rep. Spirou spoke in favor of the motion.

Rep. Desnoyer spoke against the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

Rep. Bridges requested a roll call.

(Speaker presiding)

YEAS 114 NAYS 236

YEAS 114

BELKNAP: Gary Dionne, Hildreth, Lawton and Sabbow.

CARROLL: Kenneth Smith.

CHESHIRE: Chase, Close, Anne Gordon Krause, Lynch, Marshala, Matson, Proctor, Russell, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggin.

COOS: Burns, Fortier, Bradley Haynes, Hunt, George Lemire, Oleson, Theriault, Neila Woodward and York.

GRAFTON: Chambers, Copenhaver, Crory and Taffe.

HILLSBOROUGH: Bernier, Emile Boisvert, Burke, Corser, Joseph Cote, Coutermarsh, Cullity, Arline Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Heald, George Healy, Kaklamanos, Armand Lemire, Levesque, Marcoux, McGlynn, Morrison, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Pappas, Pelletier, Podles, Quigley, Sing, Leonard Smith, Soucy, Spirou, Geraldine Watson, Welch, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Milton Cate, Chandler, Richard Hanson, Donna MacIvor, Mullin, Plourde, Rice and Robert Watson.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Connors, Cotton, Dunfey, Carl Gage, Ganley, Grieco, Griffin, Hartford,



Krasker, Maynard, Donna McEachern, Joseph McEachern, Niebling, O'Keefe, Parolise, Pucci, Richards, Rossley, Scamman, Alfreda Smith, Splaine, Tavitian, Vlack, Wojnowski and Zabarsky.

STRAFFORD: Canney, Bruce French, Hebert, Joos, Lessard, Morrisette, Nadeau, Schreiber and Shirley White.

SULLIVAN: None.

#### NAYS 236

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Michael Hanson, Mansfield, Marsh, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Daniel Eaton, Faucher, Fillback, Galloway, Irvin Gordon, Elmer Johnson, Ladd, Moore, Parker, Margaret Ramsay and Whipple.

COOS: Horton, Huggins, Keough, Poulin, Mabel Richardson, Alcide Valliere, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taylor, Glynetta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Albert Bellemore, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Carswell, Coburn, Colson, Mark Connolly, Margaret Cote, Coughlin, Crotty, Currier, Catherine-Ann Day, William Desmarais, Dupont, Clyde Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, LaPlante, Lyons, Madigan, Martin, Martineau, McLaughlin, Morgan, Fred Murray, Orcutt, Paradis, Arnold Perkins, Peters, Plomaritis, Polak, Record, Henry Richardson, Seamans, Simard, Edward Smith, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Emma Wheeler, Robert Wheeler and Ziakas.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Laurent Boucher, John Cate, Eugene Daniell, Foley, Camache, Hess, James Humphrey, Kidder, LaBonte, McLane, McNichol, Packard, Pelton, Arthur Perkins, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, William Boucher, Campbell, Cummings, Cunningham, Cutcliffe, Danforth,

Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Goff, Gould, Greene, Hoar, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Nelson, Norton, Parr, Quimby, Rogers, Schwaner, Skinner, Stimmell, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Burchell, Walter Desmarais, Donnelly, Charles Grassie, Dianne Herchek, James Herchek, Joncas, Kelly, Lefavour, Maloomian, Meader, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Torrey, Tripp, Valley, Voll and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker, George Wiggins, and the motion lost.

Referred to Appropriations.

Rep. McDonough wished to be recorded in favor of the committee report.

HB 536, increasing the rate of the business profits tax and changing the method of distributing revenue to cities and towns. Majority: Ought to Pass with Amendment. Rep. Quimby for Ways and Means. Minority (Reps. Splaine, Kenneth Smith, John Winn, Cecelia Winn, Canney, and Donnelly): Refer to the Committee on Ways and Means for interim study.

Majority: This bill redistributes the state collected business profits tax on an equalized basis to correct inequities, so all communities gain new revenues, many substantially. It raises the rate from 7% to 8%, and puts the "burden of salary proof" on the taxpayer.

Minority: The Minority feels the distribution formula proposed by this legislation has much merit, but the implications and actual effects are open to question. The increase of 1% in the Business Profits Tax may have a negative effect on business in New Hampshire, and this, too, should be looked at much closer. The Business Profits Tax formula currently being used has been in the law since implementation of the tax, so one more year will not harm the communities or those who now pay it. A number of towns and cities could be adversely affected by not receiving as much from the new distribution formula as they otherwise would expect under the current return formula.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relating to the business profits tax rate, deductions and method of distribution.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Deductions: Business Profits Tax.

Amend RSA 77-A:4, IV (supp) as inserted by



1970, 5:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. In the case of a sole proprietorship, including farm proprietorship, a deduction equal to a fair and reasonable compensation for the personal services of the proprietor or partners actually devoting time and effort in the operation of the enterprise. The purpose of this paragraph is to permit deduction from gross business profits of a proprietorship or partnership only of such amounts as are fairly attributable to the personal services of the proprietor or partners. In the event there is occasion to determine the reasonableness of deduction claimed under this paragraph the commissioner shall consider the claimed deduction in light of compensation for personal services of employees in positions requiring similar responsibility, devotion of time, education and experience in business organizations of similar size, volume and complexity. In addition, the commissioner shall take into account the value of the proprietorship or partnership of the labor of its employees, the proprietor or any of the partners, and the use of their property and any other factor which may reasonably assist the commissioner in making a determination. Such determination by the commissioner shall be deemed reasonable unless the taxpayer proves to the commissioner, by a preponderance of the evidence upon the standards herein set forth and after notice and hearing, that the deduction claimed by the taxpayer is not grossly excessive. Provided, that a taxpayer ascertaining its gross business profits in this state by the allocation procedure established in RSA 77-A:3 is allowed only such percentage of the deductions allowable in paragraphs II, III, and IV of this section as has been applied by it in ascertaining its gross business profits in this state. Provided further that subject to the preceding sentence, a minimum deduction of \$3,000 shall be allowed on account of the proprietor or partner actually devoting time and effort in the operation of the enterprise.

3 Distribution of Increase in Revenue to Cities and Towns. Amend RSA 77-A by inserting after section 19 the following new section:

77-A:20 Distribution of Increase in Revenue. The commissioner of revenue administration shall determine the additional amounts of revenue produced by an increase of one percent in the rate of tax imposed by RSA 77-A:2 for each fiscal year, and shall certify such amounts to the state treasurer by October 1 of that year for distribution pursuant to RSA 31-A:4.

4 Distributing Revenue on Equalized Formula. Amend RSA 31-A:4 (supp) as inserted by 1970, 5:16 as amended by striking out said section and inserting in place thereof the following:

31-A:4 Determination of Amounts Returnable in Subsequent Years. The state treasurer shall determine the amount of revenue returnable to each city and town in each year subsequent to 1976 by increasing the aggregate amount returned to the cities and towns pursuant to this chapter, excluding revenues derived from RSA 77-A:20, in the preceding year by 5 percent. This sum shall be added to the amounts of revenue certified to the state treasurer pursuant to RSA 77-A:20. These amounts shall be distributed to the cities and towns according to an equalized formula calculated by taking for each city and town the amount of local property taxes assessed, including current distributions of state revenues to local government, exclusive of educational funds; dividing that sum by the local equalized valuation as determined by the board of taxation; and multiplying the result by the local population to produce an equalizing factor for each city and town. Such equalizing factors shall be added together to produce a total state sum. Each local equalizing factor shall be divided by the total state sum to produce for each city and town a normalized factor. Each sum normalized factor shall be multiplied by the total amount of revenue to be shared by the cities and towns to produce the annual share for each city or town. Provided, however, that no city or town shall receive under the provisions of this section an amount less than its 1976 distribution under RSA 31-A plus its share under the equalized formula, of an annual increase of 5 percent in the previous year's aggregate distribution, excluding revenues derived from RSA 77-A:20. The funds of any such adjustment shall be provided by a pro rata reduction in the amounts distributed to those cities and towns otherwise receiving more than the 1976 distribution plus their share of the annual 5 percent increase.

5 Effective Date. This act shall take effect July 1, 1977.

Rep. Quimby explained the Committee report, yielded to questions and yielded to Rep. Scamman.

Rep. Splaine moved that the Minority report, Refer to Ways and Means for Interim Study, be substituted for the Majority report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Wallin, Lyons and Carswell spoke against the motion.

Reps. Ambrose and Oleson spoke in favor of the motion.

Rep. James J. White requested a quorum count.

The Speaker declared a quorum present.

Rep. James J. White spoke in favor of the motion, and yielded to Rep. Richard Hanson who spoke in favor of the motion.

Rep. George Wiggins spoke against the motion.

Rep. McLane yielded to questions.

A roll call was requested.  
Sufficiently seconded.

(Speaker presiding)

YEAS 142 NAYS 213

YEAS 142

BELKNAP: Ambrose, Gary Dionne, Hildreth, Lawton, Morin and Sabbow.

CARROLL None.

CHESHIRE: Chase, Close, Anne Gordon, Krause, Lynch, Matson, Proctor, Russell, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggan.

COOS: Burns, Fortier, George Lemire, Oleson, Patenaude, Mabel Richardson, Theriault, Alcide Valliere and Neila Woodward.

GRAFTON: Ira Allen, Chambers, Clark, Copenhaver, Crory, Duhaime, LaMott, Mann, McAvoy and Rounds.

HILLSBOROUGH: Albert Bellemore, Bernier, Roland Boucher, Brack, Brody, Burke, Corser, Joseph Cote, Coutermarsh, Crotty, Cullity, Arline Dion, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Cort Hansen, Heald, George Healy, Kaklamanos, Keefe, Lamy, Armand Lemire, Levesque, Marcoux, Martineau, McGlynn, McLaughlin, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Podles, Quigley, Record, Sing, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Kevin Sullivan, Wallace, Welch, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bibbo, Blakeney, Bodi, Carroll, Milton Cate, Richard Hanson, Donna McIvor, Mullin, Plourde, Rice, Gerald Smith, Doris Thompson and Trachy.

ROCKINGHAM: Aeschliman, Benton, Blanchette, Connors, Cotton, Dunfey, Erler, Beverly Gage, Carl Gage, Ganley, Grieco, Kashulines, Krasker, Maynard, Joseph McEachern, O'Keefe, Parolise, Richards, Rossley, Scamman, Alfreda Smith, Splaine, Tavitian, Wojnowski and Zabarsky.

STRFFORD: Burchell, Canney, Walter Desmarais, Bruce French, Hebert, Lessard, Maloomian, Morrisette, Nadeau, Rod O'Connor and Shirley White.

SULLIVAN: Gray and Spaulding.

NAYS 213

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson, Mansfield, Marsh, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Daniel Eaton, Faucher, Fillback, Galloway, Irvin Gordon, Elmer Johnson, Ladd, Marshala, Moore, Parker, Margaret Ramsay and Whipple.

COOS: Bradley Haynes, Horton, Huggins, Hunt, Keough, Poulin, Willey, Wiswell and York.

GRAFTON: Aldrich, Buckman, George Cate, Dearborn, Gemmill, Hough, Logan, Pepitone, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Bridges, Carswell, Coburn, Colson, Mark Connolly, Margaret Cote, Coughlin, Carrier, Catherine-Ann Day, William Desmarais, L. Penny Dion, Clyde Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Head, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Knight, Lachance, LaPlante, Lyons, Madigan, Martin, Morgan, Morrison, Fred Murray, Arnold Perkins, Peters, Plomaritis, Polak, Henry Richardson, Seamans, Simard, St. George, Francis Sullivan, Harold Thomson, Van Loan, Wallin, Geraldine Watson, Emma Wheeler and Robert Wheeler.

MERRIMACK: Ayles, Bellerose, Laurent Boucher, John Cate, Chandler, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Kidder, LaBonte, McLane, McNichol, Packard, Pelton, Arthur Perkins, Ralph, Rich, Doris Riley, Shepard, Stockman, Tarr, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Akerman, Barka, Bisbee, Blake, William Boucher, Campbell, Carpenito, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Felch, Flanagan, Gaskill, Goff, Gould, Greene, Hartford, Hoar, Kane, King, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Nelson, Niebling, Norton, Parr, Pucci, Quimby, Rogers, Schwaner, Skinner, Stimmell, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Donnelly, Charles Grassie, Dianne Herchek, James Herchek, Joncas, Joos, Kelly, Lefavour, Meader, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Desnoyer, Frizzell, Ingram, LeBrun, Lewko, Palmer Scott, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Amendment adopted.

Rep. Elmer Johnson offered an amendment.

The Speaker suspended the reading of the amendment.

Rep. Johnson explained his amendment.

Rep. Tucker spoke to the amendment.

Rep. Johnson withdrew his amendment.

Committee report adopted.

Referred to Appropriations.

Reps. Stratton and McDonough wished to be recorded in favor of HB 536.

## ENROLLED BILLS REPORT

HB 1, relative to the fee schedule of the recording officers.

HB 101, enabling towns to join together for the purpose of watershed management.

HB 168, prohibiting the erection of advertising devices beyond 660 feet from interstate or federal aid primary system rights of way.

HB 255, relative to the registration of aircraft or air carriers that are "home based" in New Hampshire.

HB 277, legalizing the Gilmore Pond dam in Jaffrey.

HB 338, relative to fiscal year taxpayers.

HB 362, authorizing the use of highway funds for the functional replacement of land and improvements required for highway purposes.

HB 363, relative to the notices required for the layout of Class I and II highways.

HB 375, relative to the merger of the American College of Life Underwriters with the American College.

HB 220, relative to state bridge and town bridge aid.

SB 41, relative to the deposit of state funds in approved banks.

SB 68, relative to notice filing in registries of deeds to show power of trustee to convey real estate.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Tucker offered the following:

## HOUSE RESOLUTION NO. 31

educating the state board of education relative to the Constitution of New Hampshire.

WHEREAS, the state board of education on April 18, 1977 adopted in principle a resolution to refrain from applying for or accepting federal funds for educational programs; and

WHEREAS, the commissioner of education has stated that the import of this resolution could cost the state of New Hampshire \$21,000,000 in the next fiscal year; and

WHEREAS, the state faces a grave fiscal crisis and needs all available sources of revenue; and

WHEREAS, the general court is the supreme legislative power in the state of New Hampshire; and

WHEREAS, that supreme legislative power of the general court permits it to make laws including the state operating budget; and

WHEREAS, the supreme legislative power establishes the budget and sets criteria for the acceptance of federal funds; and

WHEREAS, the state board of education is crassly attempting to infringe upon the constitutional prerogatives of the general court; and

WHEREAS, the supreme legislative power is considering cutting certain department operating costs in an attempt to solve the state's fiscal crises; now, therefore, be it

RESOLVED by the House of Representatives:

That the state board of education promptly reconsider its action to refrain from applying for or accepting federal funds for educational programs.

FURTHER BE IT RESOLVED, that the members of the state board of education read very carefully and understand thoroughly the constitutional principles enumerated in this resolution.

Further Be It Resolved, that a copy of this resolution be immediately delivered to the state board of education.

The Clerk read the resolution in full.

Rep. Tucker moved adoption of the resolution, and spoke to his motion.

Reps. Gemmill and Spirou spoke to the resolution.

(Rep. Scamman in the Chair)

Rep. Roberts spoke to the resolution.

Rep. Tucker withdrew his motion.

The Speaker referred the resolution to the Committee on Education.

(Speaker in the Chair)

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday April 26 at 1:00 p.m.

Adopted.

## LATE SESSION

Third reading and final passage

HB 481, amending the charters of certain savings banks.

HB 366, requiring results of second reading votes be included as part of questions proposing constitutional amendments.

SB 24, relative to the statutory definition of "farm, agriculture, farming."

SB 58, relative to the rule-making powers of the weights and measures division of the department of agriculture.

HB 551, relating to strengthening the powers of the collection division of the department of revenue administration.

HB 761, relative to the destruction of certain papers in the department of labor.

HB 445, relative to the penalty of a non-resident salt water fishing without a license.

HB 844, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver.

HB 848, requiring optometrists and ophthalmologists to report all discovered cases of bad vision to the bureau of blind services.

HB 750, permitting the appointment of an assistant county attorney for the county of Rockingham.

HB 866, relative to the board of adjustment decisions.

HB 593, permitting a licensee or a holder of an "on sale" permit to sell at another location under certain conditions.

HB 605, to provide a special liquor and beverage license for race tracks.

HB 673, amending the Conservation Commission Enabling Act by increasing the commission's responsibilities.

SB 25, relative to sweepstakes commission.

HB 300, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances.

HB 280, relative to ownership of certain unlicensed dogs and the penalty involved for not licensing a dog.

HB 679, relative to the fees for licensing dogs and dog keepers or breeders and requiring a health certificate on dogs sold by breeders and providing a late fee for failure to procure a license prior to June 1.

HB 15, exempting the tax on that portion of the dividend that constitutes a return of capital.

HB 301, relative to timber yield taxes and the bond and debt retirement tax.

HB 804, conforming the N.H. clean air act to the requirements of the federal environmental protection agency.

#### SPONSOR CORRECTION

HB 1095: Rep. Arline L. Dion replaces L. Penny Dion.

#### RECONSIDERATION

Rep. Close moved that the House reconsider its action whereby it passed HB 300, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances.

Reconsideration lost.

365 members were recorded as present.

Reps. Marshall French and Spirou moved that the House adjourn.

Adopted.

The House adjourned at 5:45 p.m.



# HOUSE JOURNAL 30

*Tuesday, 26 Apr77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Good afternoon Lord. Thank You for this day and all privileges and responsibilities that are suddenly ours. Thank You for introducing me to "THE FOUR-WAY TEST",

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it build good will and better friendships?
4. Will it be beneficial to all concerned? (Rotary International)

Do You know what, Lord? Of course You do! All of us are salespersons every day of our lives. We are selling our ideas, our plans, our energies, our enthusiasm to those with whom we come in contact. Let all our actions here in this place be so tested as to please You and serve those who have given us this important task. God bless us with grace sufficient for the day and strength to match every need. Amen!

Rep. Soucy led the Pledge of Allegiance

## LEAVES OF ABSENCE

Reps. Forsaith Daniels, Burrows, Roy Davis, Stomberg, Roderick Allen, the day, illness.

Rep. Nardi, illness in the family.

Reps. Chapman, Callahan, Cornelius, Proctor, Torrey, Stahl, Beard, Lynch, Albert Bellemore, Dennis Ramsey, Danforth, Kenneth MacDonald, Appel, Paul Riley, Miller, the day, important business.

## INTRODUCTION OF GUESTS

Mr. and Mrs. George Cobb and their two sons, Joseph and Daniel, students at Bishop Brady High School and their daughter, Mary, a student at Bow Elementary School, friends and guests of Rep. Scanlon; Jedd Stratton, son of Rep. Stratton; Cindy Reed and John W. Foley, Jr., father and guests of Rep. Foley; Alison Rowson, guest of Rep. James J. White; Kim Scamman, daughter of Rep. Scamman.

## SENATE MESSAGES CONCURRENCE

HB 565, providing for payment of a claim to Barbara Cyr and making an appropriation therefor.

## ENROLLED BILLS AMENDMENTS

HB 238, relative to the investment powers of savings banks. (Amendment printed in SJ 4/21)  
Adopted.

HB 60, relating to registration and examination fees for professional engineers. (Amendment printed in SJ 4/21)  
Adopted.

## TWO DAY EXTENSIONS GRANTED

HB 396, relative to advertising by public utilities. (Commerce and Consumer Affairs)

HB 197, exempting certain towns from the prohibition against burning refuse in an open pit. (Environment and Agriculture)

HB 239, providing for local designation of certain specified resource areas as critical and locally regulating land use therein. (Environment and Agriculture)

HB 235, to permit stolen and other property to be restored to rightful owners in advance of trial. (Judiciary)

HB 387, establishing the police standards and training council training fund to consist of penalty assessments imposed in certain criminal cases. (Judiciary)

HB 229, amending certain provisions of the statutes relative to OHRVs. (Transportation)

HB 688, relative to trust company director's stock holdings. (Commerce and Consumer Affairs)

HB 683, requiring centralized data processing to furnish the department of revenue administration a listing of total amount of motor vehicle permit fees collected by each city or town. (Executive Departments and Administration)

HB 686, relative to the duties of persons involved with vital statistics. (Executive Departments and Administration)

HB 687, amending statutes relative to vital statistics. (Executive Departments and Administration)

HB 709, establishing a board of examiners of speech pathology and audiology and to certify speech pathologists and audiologists. (Health and Welfare)

HB 600, relative to the importation of dogs and cats into the state and the sale of same. (Municipal and County Government)

HB 681, relative to the disposition of municipal records. (Municipal and County Government)

HB 682, relative to the motor vehicle collections by town clerk or other municipal official and providing for the removal of a town clerk for cause. (Municipal and County Government)

HB 711, eliminating the requirements that town clerks send reports to certain state officials. (Municipal and County Government)

HB 690, revising RSA 483-A relative to dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, sets forth a filing fee, repealing RSA 431 relative to swamplands; and modifying the composition of the wetlands board. (Resources, Recreation and Development)

HB 725, removing the requirement for filing financial statements with town or city clerks. (Statutory Revision)

COMMITTEE REPORTS  
(Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 934, 672, 354, 506, 655 and 727 and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 472, 647, 763, 732, 779, 662, 740, 762 and 764 and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on SB 26, and further moved that the House adopt the committee recommendation of Refer to Interim Study committees by the appropriate standing committees on HB 483.

HB 763 was withdrawn from the Consent Calendar at the request of Rep. Fred Murray.

Adopted.

HB 934, relating to increasing the veterans' property tax exemption. Inexpedient to Legislate. Rep. Benton for Claims, Military and Veterans Affairs.

Sponsor desired to withdraw this bill.

HB 672, restricting the publication of information regarding certain neglected and delinquent persons. Inexpedient to Legislate. Rep. Nighswander for Health and Welfare.

The Committee recommends this bill as inexpedient to legislate because the present statute is unenforceable and remains that way with this bill; under advice of the Attorney General's Office on the legal aspects of printing the names of juveniles. The only person that can be held responsible is the publisher of the paper and it must be proven that he knowingly printed child's name. This cannot be proven even when there is an obvious violation of the statute.

HB 354, changing the deadline for submission of the budget for Coos county. Inexpedient to Legislate. Rep. Fillback for Municipal and County Government.

Although the Committee endorses the concept of this bill, they feel the intent will be better covered by HB 653 currently being acted on by the Committee.

HB 506, authorizing an additional racing day to benefit vocational rehabilitation services. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The Committee was opposed to diverting any of the State tax to any special purpose. Testimony showed that the tracks are cooperative in sponsoring special fund-raising events. Vote was 14-1.

HB 655, repealing certain provisions relative to citizenship in the sale and delivery of liquor or beverages. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The Committee feels that this bill became unnecessary when the House passed HB 746 on April 19.

HB 727, redefining the term "way" as used in the motor vehicle laws. Inexpedient to Legislate. Rep. James Murray for Transportation.

This new definition of "way" was proposed to aid police in enforcing the laws in trailer parks and certain private roads. The Committee sympathizes with the intent of HB 727 but sees this new definition of "way" would allow police encroachment on all of our driveways and private driving areas. The Committee sees this as an unnecessary burden on our people to solve the problem the police want to solve.

HB 472, relative to the regulation of small loans. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs. The Committee feels this is in the best interest of the consumer. Also, corrects a reference in the Uniform Commercial Code.

HB 647, repealing the penalty for neglecting children. Ought to Pass. Rep. Lynch for Health and Welfare.

The Committee recommends this bill repealing the penalty for neglected children ought to pass. The statute is on a civil matter with criminal penalties imposed and this should be repealed.

HB 732, eliminating the permits and licenses issued for up to 4 consecutive months per licensing year. Ought to Pass. Rep. Sanborn for Regulated Revenues. Committee felt that seasonal permits and licenses allow unfair competition with year-round establishments. Vote was 13-2.

HB 779, relative to guardianship of residents of Laconia state school. Ought to Pass. Rep. Aeschliman for State Institutions.

This bill provides for the appointment of a guardian of a person over eighteen who is developmentally disabled and deemed incompetent to manage his own affairs or property. This extends the same provisions for obtaining guardians that are already provided for by law for residents of the New Hampshire Hospital. Committee vote was unanimous.

HB 662, amending the methods of giving proof of financial responsibility. Ought to Pass. Rep. James Murray for Transportation.

This bill is a housekeeping measure for the Department of Safety for which it was sponsored. The laws on financial responsibility have a reference to another law that was deleted in the 1960s. HB 662 merely removes this obsolete reference and replaces it with the proper current statutory references.

HB 740, relative to the use of emergency lights. Ought to Pass. Rep. James Murray for Transportation.

Under current law volunteer fire and other emergency personnel have the ability to use emergency lights on their passenger cars to expedite their getting from their homes to their respective stations. HB 740 allows volunteer ambulance drivers to use a similar light on their passenger cars for home to station travel. The Committee feels this bill will help the people of New Hampshire by making the home to station travel of the volunteer quicker where seconds can mean the difference between life and death.

HB 762, prohibiting the towing of certain vehicles. Ought to Pass. Rep. James Murray for Transportation.

After reviewing testimony by the Department of Safety and the AAA the Committee found that the towing by a motor vehicle or a tractor of any more than one motor vehicle, tractor, trailer or semi-trailer is unnecessarily dangerous. The obvious lack of control of the driver who is towing and the wind disturbance more than one trailer can create for cars traveling in the opposite direction has prompted the Committee to vote to limit vehicles towed to one.

HB 764, expanding the penalty provision relative to an overloaded vehicle. Ought to Pass. Rep. James Murray for Transportation.

Under present law any truck driver who is arrested for driving an overloaded truck is individually responsible for this overload and penalized accordingly. The Committee has seen that often the cause for the operation of an overloaded truck is not a driver's but his company or boss's fault. A driver can either be forced to overload his truck or it can be overloaded without his knowledge. In light of this the Committee feels that HB 764 which makes it possible for someone who causes a truck to be operated overweight to be also fined, and saves truck drivers the criminal record and fine, is a fair bill that places the punishment on the guilty not the innocent.

SB 26, authorizing state employees' participation in the present incentive award program for selling sweepstakes tickets. Ought to Pass with Amendment. Rep. Cunningham for Regulated Revenues.

Committee felt that State employees should participate in the incentive awards except that Sweepstakes Commission employees are excluded by the amendment.

#### Amendment

Amend RSA 284:21-s, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

284:21-s Incentive Awards for Ticket Sellers. The sweepstakes commission is authorized to pay graduated cash awards only, to a maximum sum of \$1,000, as an inducement to servants and agents, excluding sweepstakes commission employees, who actually sell tickets for persons authorized to sell tickets pursuant to RSA 284:21-h, II (d), provided such sweepstakes ticket selling servant or agent, sells the winning sweepstake ticket for which the commission has authorized an incentive award.

Referred to Appropriations.

HB 483, relative to investment laws for savings banks. Refer to the Committee on Commerce and Consumer Affairs for interim study. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt along with many institutions that this bill needs more study.

#### ENROLLED BILLS REPORT

HB 565, providing for payment of a claim to Barbara Cyr and making an appropriation therefor.

Rep. James J. White  
For the Committee.

Rep. George Wiggins requested a quorum count.

The Speaker declared a quorum present.

#### COMMITTEE REPORTS (Regular Calendar)

HB 850, requiring each school district treasurer to pay out moneys belonging to the district upon orders of the duly authorized representative of the school board. Ought to Pass With Amendment. Rep. Moore for Education.

Present law requires a majority of the board to sign manifests and is cumbersome for districts with large boards.

This bill allows school district treasurers to pay out moneys of the district upon orders of two or more duly authorized members of the school board.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

requiring each school district treasurer to pay out moneys belonging to the district upon orders of the duly empowered representatives of the school board.

Amend the bill by striking out section 1 and inserting in place thereof the following:

## 1 Duties of School District

Treasurers. Amend RSA 197:23-a (supp) as inserted by 1963, 87:1 as amended by inserting in line 3 after the word "board" the following (or of the 2 or more members of the school board empowered by the school board as a whole to authorize payments.) so that said section as amended shall read as follows:

197:23-a Treasurer's Duties. The treasurer shall have custody of all moneys belonging to the district and shall pay out the same only upon orders of the school board or of the 2 or more members of the school board empowered by the school board as a whole to authorize payments. He shall deposit the same in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the district treasury, and of all notes given by the district, with the particulars thereof. At the close of each fiscal year, he shall make a report to the district, giving a particular account of all his financial transactions during the year. He shall furnish to the school board statements from his books, and submit his books and vouchers to them and to the auditors for examination, whenever so requested. Whenever the treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the school board, invest the same in obligations of the United States government, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the state of Massachusetts.

Amendment adopted.

Ordered to third reading.

HB 894, providing opportunity in public education without discrimination. Ought to Pass with Amendment. Rep. Krasker for Education.

This bill adds Education to the New Hampshire Human Rights Code to prohibit discrimination on the basis of sex, race, creed, color, marital status, national origin or physical or mental handicap in Education, as it does in Housing, Employment, and Public Accommodation. The vote in Committee was 11-4.

## Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

## 2 Unlawful Discriminatory Practice.

Amend RSA 354-A:8 by inserting after paragraph III the following new paragraph:

III-a. For any public school to discriminate against any person on the basis of sex, race, creed, color, marital status, national origin or physical or mental handicap in educational programs or activities or to deny to any person on the basis of sex, race, creed, color, marital status, national origin or physical or mental handicap the benefits of educational programs or activities.

Amendment adopted.

Ordered to third reading.

HB 907, defining specific learning disabled. Inexpedient to Legislate. Rep. Chandler for Education.

Already covered by federal legislation. Vote was 11-6.

Resolution adopted.

HB 567, relative to the New Hampshire retirement system cost of living increases. Refer the bill with proposed amendment to Supreme Court for opinion. Rep. Close for Executive Departments and Administration.

Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance Rep. Marshall French and Spirou offered the following:

## HOUSE RESOLUTION 32

requesting an opinion of the justices of the supreme court relative to the constitutionality of House

Bill 567 and a proposed amendment thereto.

WHEREAS, House Bill 567, An Act relative to the New Hampshire retirement system cost of living increases, is before the House for consideration; and

WHEREAS, an amendment to House Bill 567 has been proposed by the Committee on Executive Departments and Administration; and

WHEREAS, questions have been raised as to the constitutionality of House Bill 567 and the proposed amendment; now, therefore, be it

RESOLVED by the House of Representatives:

That the justices of the Supreme Court are respectfully requested to give their opinion and answer the following questions:



I. Does House Bill 567, as drafted, conflict with Part I, Article 36 of the New Hampshire Constitution?

II. Does the proposed amendment to House Bill 567 conflict with Part I, Article 36 of the New Hampshire Constitution?

III. If the answer to question number two is "yes", how does the proposed amendment to House Bill 567 differ from RSA 490:2, II and III, and from RSA 491:2, II and III?

Be It Further Resolved, that the clerk of the House of Representatives attach seven copies of House bill 567, and the proposed amendment thereto, to this resolution and transmit the same to the Justices of the Supreme Court for their consideration.

Adopted.

HB 533, relating to certificate of need. Refer to the Committee on Health and Welfare for Interim Study. Rep. Lynch for Health and Welfare.

The Committee recommends this bill be sent to interim study for the following reasons:

1. The concept of certificate of need is supported by the Committee to help control health care costs.

2. Certificate of need is not essential at this time.

3. Congressional hearings are scheduled for this summer. Once a clearer directive is issued from Washington, the future of the certificate of need can be more closely assessed.

Rep. Spaulding yielded to questions. Referred to the committee on Health and Welfare for Interim Study.

HB 561, relative to licensing psychologists and regulating the practice of psychology. Refer to the Committee on Health and Welfare for Interim Study. Rep. Blanchette for Health and Welfare.

The Committee felt that recommending this bill in any other way would be favorable to one group of psychologists over the other where no clarity between right and wrong was established in the public hearings. Referred to the committee on Health and Welfare for Interim Study.

HB 763, establishing a deadline for state action on application for aid to the permanently and totally disabled. Inexpedient to Legislate. Rep. Nighswander for Health and Welfare.

The Committee recommends ought to pass. There was concern of the delay involved in getting state aid for the permanently disabled. The testimony revealed that physicians were not prompt in returning information vital to the allocation of state funds for these patients.

Rep. Spaulding moved that HB 763 be laid upon the Table. Adopted.

HB 155, relating to dogs at large and providing a penalty against the owner and further providing for local option if a municipality desires to be exempted. Inexpedient to Legislate. Rep. LaBonte for Municipal and County Government.

The intent of this bill is more comprehensively covered by HB 703. Resolution adopted.

HB 495, relative to a charge for checks returned to a city or town as uncollectible. Ought to Pass. Rep. Packard for Municipal and County Government.

The intent of this bill is to penalize those issuing bad checks in payment of taxes or municipal fees and to help cities and towns recover some of the costs incurred by them as a result of uncollectible checks. Ordered to third reading.

HB 500, authorizing cities, towns, counties, village and school districts to secure payroll and other fiscal obligations processing services. Inexpedient to Legislate. Rep. Drewniak for Municipal and County Government.

The Committee feels that municipal officials are sometimes hampered by too many state guidelines and that local officials can deal adequately with their payroll processing in this instance without DRA intervention. Resolution adopted.

HB 566, establishing a training program in the department of revenue administration for local officials having fiscal responsibilities and making an appropriation therefor. Refer to the Committee on Municipal and County Government for interim study. Rep. Faucher for Municipal and County Government.

The Committee feels the proposed training program has merit and is needed by the local officials, but that more consideration is necessary to iron out the mechanics of putting such a program into operation.

Referred to the committee on Municipal and County Government for Interim Study.

HB 701, relative to the terms of office of the Rockingham county commissioners. Inexpedient to Legislate. Rep. Whipple for Municipal and County Government.

By creating different terms and election dates for different districts, this bill would create much confusion in the voting process for county commissioners which the Committee feels was not justified by testimony in support of this legislation. Resolution adopted.

HB 703, establishing a dog control law. Ought to Pass. Rep. Timothy O'Connor for Municipal and County Government.

This is permissive legislation to allow adoption of a dog control law by local referendum. If adopted, the proposed law would provide for a \$10 fee for violation which would serve a dual purpose of penalizing the owner and helping the towns pay for animal control. The intent is to encourage more responsible ownership. Ordered to third reading.

SB 39, requiring the mailing of resident tax bills within 30 days of the receipt of the tax warrant by the tax collector and changing the requirements for motor vehicle registration. Ought to Pass with Amendment. Callahan for Municipal and County Government.

The intent of this bill in its original form was to put a deadline on resident tax mailing. The Committee endorses this and is, by amendment, simply restoring this bill to its original form - eliminating a Senate amendment which is non-germane to the original bill and which would require much more consideration before passage.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

requiring the mailing of resident tax bill within 30 days of the receipt of the tax warrant by the tax collector.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Effective Date. This act shall take effect April 1, 1977.

Amendment adopted.

Ordered to third reading.

HB 457, redefining the term "motor truck" in the motor vehicle laws. Ought to Pass with Amendment. Rep. James Murray for Transportation.

The present definition of the term "motor truck" has caused many difficulties in interpretation of its meaning. Very few vehicles are marked and as few people know what constitutes a vehicle with greater than one and one-half ton capacity. The definition suggested in HB 457 makes a motor truck any motor vehicle with greater than 18,000 pounds gross vehicle weight. This manufacturer's rated capacity is always printed on a truck. This new limit does not change the size of a motor vehicle that is to be named a truck, it only clarifies the definition. This will make it easier for citizens and law enforcement officers to know what vehicles one must have a light commercial operator's license for.

#### Amendment

Amend RSA 259:1, XVI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XVI. "Motor truck", any motor vehicle of greater than 18,000 pounds gross vehicle weight intended, designed, or constructed for the transportation of freight or merchandise, or any motor vehicle equipped with other than pneumatic tires.

Amendment adopted.

Ordered to third reading.

HB 648, clarifying certain penalty provisions in the uniform motor vehicle certificate of title and Anti-Theft Act (RSA 269-A). Ought to Pass with Amendment. Rep. James Murray for Transportation.

The proposed change in HB 648 clarifies and makes more effective, RSA 269-A. The present law protects the state against the presentation of false information on an application for title. This bill includes penalties for presenting false documentation in connection with information on an application for title. This should cut out the loopholes in the existing law and therefore strengthen it.

#### Amendment

Amend RSA 269-A:31, I, (d) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(d) uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title, or in any proof or statement in writing in connection therewith, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

Amendment adopted.

Ordered to third reading.

HB 718, relative to the permitted width of buses on state highways. Ought to Pass. Rep. James Murray for Transportation.

The Committee after indepth testimony feels that the proposed addition of six inches of width on buses promises to add convenience to customer travel. It feels that in light of this added convenience in a day of increasing mass travel HB 718 should pass. In addition the fact that many states already allow such bus width and most others are considering this new width have proven the desirability of such legislation.

Ordered to third reading.

HB 720, increasing the penalty for operating an off highway recreational vehicle on a railroad right-of-way, airport runways and cemeteries. Ought to Pass. Rep. James Murray for Transportation.

The Committee feels that because of the great public danger and inconvenience of people operating off-highway recreational vehicles in these specified areas the penalty for this now only a violation should be increased to a misdemeanor. This is to discourage such OHRV operation and protect the public.  
Ordered to third reading.

The Speaker requested a quorum count.  
The Speaker declared a quorum present.

#### INTRODUCTION OF SENATE BILL

First, second reading and referral.  
SB 188, legalizing a regular meeting of the Monadnock regional school district.

#### SUSPENSION OF RULES

Rep. Richard Hanson moved that the rules be so far suspended as to permit consideration at the present time of SB 188, legalizing a regular meeting of the Monadnock regional school district, without referral to committee, public hearing and notice in the calendar.

Adopted by the necessary two-thirds.

Rep. Hanson moved that SB 188, legalizing a regular meeting of the Monadnock regional school district, be ordered to third reading.

Adopted.

Rep. Marshall French moved that debate on all bills be limited to one-half hour equally divided.

Adopted.

HB 564, relating to hospital, medical and non-profit health service corporations. Majority: Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs. Minority: (Reps. Parker, Thomas Hynes and Logan): Ought to Pass.

Majority: Paul Revere and the Revolutionary War ended double taxation and taxation without representation, so let a sleeping dog lie.

Minority: This bill will raise \$4 million over the biennium. Currently, Blue Cross/Blue Shield is running a half million surplus per month so could absorb this increase during the biennium. In the long run this tax will be passed onto the individual. It is the nature of health insurance that high income people pay more for insurance than do the poor. This is the most progressive tax proposal before the House this session. This bill should be sent to Appropriations to let them judge its value in meeting the deficit.

Rep. Dickinson moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Ward, James J. White, Lamy, Rossley, Griffin, Daniell and Spiro spoke against the motion.

Reps. Thomas Hynes, Shepard, Parker, Lawton, Barrus and Bridges spoke in favor of the motion.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

Rep. Dickinson requested a roll call. Sufficiently seconded.

Reps. Burns and Bosse abstained from voting under Rule 16.

(Speaker presiding)

YEAS 112 NAYS 239

YEAS 112

BELKNAP: Lawton, Marsh, James Murray and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller and Kenneth Smith.

CHESHIRE: Faucher, Fillback, Hogan, Elmer Johnson, Parker and Whipple.

COOS: Huggins and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton and LaMott, Logan, Neil McIver, Rounds, Snell, Clynetta Thomson and Madeline Townsend.

HILLSBOROUGH: Alter, Aubut, Bednar, Emile Boisvert, Bridges, Clyde Eaton, Granger, Sal Grasso, Heald, Howard Humphrey, Thomas Hynes, Karnis, Knight, LaPlante, Levesque, Madigan, Fred Murray, Paradis, Arnold Perkins, Podles, Henry Richardson, Simard, Stylianos, Harold Thomson, Geraldine Watson, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, Chandler, James Humphrey, Polly Johnson, LaBonte, Pratt, Rich, Shepard, Gerald Smith, Stockman, Doris Thomson and Wiviott.

ROCKINGHAM: Akerman, Benton, Blake, Cunningham, Cutcliffe, Erler, Felch, Beverly Gage, Goff, Kane, King, Nelson, Norton, Rogers, Scamman, Schwaner, Stratton, Webster and Wolfesen.

STRAFFORD: Appleby, Canney, Donnelly, Joncas, Meader, Preston and Tripp.

SULLIVAN: Barrus, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Tucker and George Wiggins.

NAYS 239

BELKNAP: Ambrose, Bowler, Gary Dionne, Marshall French, Coyette, Michael Hanson, Hildreth, Mansfield, Morin and Kenneth Randall.

CARROLL: Found and Towle.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Galloway, Anne Gordon, Irvin Gordon, Krause, Ladd, Marshala, Matson, Moore, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatisis and Terry Wiggin.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Chambers, Copenhaver, Crory, Gemmill, Hough, Mann, Pepitone, Taffe, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Baker, Barrett, Belanger, Bernier, Wilfrid Boisvert, Roland Boucher, Brack, Brody, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Cort Hansen, Head, Daniel Healy, George Healy, Kaklamanos, Keefe, Lachance, LaFleur, Lamy, Lyons, Marcoux, Martin, Martineau, McDonough, McGlynn, McLaughlin, Morgan, Morrison, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Polak, Record, Seamans, Edward Smith, Leonard Smith, Soucy, St. George, Francis Sullivan, Van Loan, Wallace, Wallin, Welch, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Blakeney, Bodi, Carroll, John Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Kidder, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Plourde, Ralph, Rice, Doris Riley, Trachy, Ernest Valliere, Waters, and Robert Watson.

ROCKINGHAM: Aeschliman, Barka, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Robert Day, Dunfey, Flanagan, Carl Gage, Ganley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kashulines, Kasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rossley, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Burchell, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Morrisette, Nadeau, Rod O'Connor, Osgood, Ruel, Sackett, Schreiber, Donald Smith, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Frizzell, Lucas, Spaulding and Sara Townsend, and the motion lost.

Resolution adopted.

HB 581, relating to the payment of costs of examinations of insurance companies. Majority: Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs. Minority: (Reps. Parker, Thomas Hynes, Ward and Chapman): Ought to Pass with Amendment.

Majority: The Committee feels this isn't needed because the Insurance Department is already self-supporting. Matter of fact it is reported that the Insurance Department has an excess. Minority: This bill will raise \$900,000 over the biennium. The sum is prorated over all insurance companies located in New Hampshire based on dollar value of premiums written. The amendment includes the Blues in this proration formula.

Rep. Ward moved that the words, Ought to Pass with Amendment, be substituted for the words, Inexpedient to Legislate, and spoke to her motion.

Rep. Marshall French requested a quorum count.

The Speaker declared a quorum present.

Reps. Crory, Burns, Lamy and Marshall French spoke against the motion.

Rep. Parker spoke in favor of the motion.

Rep. Tucker moved the previous question. Sufficiently seconded. Adopted.

Rep. Tucker requested a roll call. Sufficiently seconded.

Rep. Harold Thomson abstained from voting under Rule 16.

(Speaker presiding)

YEAS 77 NAYS 273

YEAS 77

BELKNAP: Ambrose, Morin, James Murray and Sanders.

CARROLL: Claflin, Dickinson, Howard and Keller.

CHESHIRE: Fillback, Galloway, Hogan, Elmer Johnson, Parker, Vrakatisis and Whipple.

COOS: Huggins and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, George Cate, Dearborn, Duhaime, Myrl Eaton, LaMott, Rounds, Snell, Glyneta Thomson and Ward.

HILLSBOROUGH: Bednar, Carswell, Coburn, Coutermarsh, Granger, Head, Thomas Hynes, Martineau, Paradis, Arnold Perkins, Podles, Record, Henry Richardson, Leonard Smith, Stylianos, Francis Sullivan and James J. White.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, Chandler, Plourde, Rich, Shepard, Stockman, Doris Thompson and Waters.



ROCKINGHAM: Benton, Blake, Cutcliffe, Erler, Beverly Gage, Kashulines, Lovejoy, Donna McEachern, Nelson, Rogers, Schwaner and Wolfsen.

STRAFFORD: Canney, Joncas, Lefavour, Preston and Tripp.

SULLIVAN: Barrus, Frizzell, Gray, Lewko and George Wiggins.

#### NAYS 273

BELKAP: Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Lawton, Mansfield, Marsh, Kenneth Randall and Sabbow.

CARROLL: Raymond Conley, Found, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Faucher, Anne Gordon, Irvin Gordon, Krause, Ladd, Marshala, Matson, Moore, Margaret Ramsay, Russell, Scranton, Slack, Terry and Terry Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Buckman, Chambers, Clark, Copenhaver, Crory, Gemmill, Hough, Logan, Mann, Neil McIver, Pepitone, Taffe, Taylor, Madeline Townsend and Michael Woodward.

HILLSBOROUGH: Ahern, Ainley, Alter, Aubut, Baker, Barrett, Belanger, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Brody, Burke, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Crotty, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Cort Hansen, Heald, Daniel Healy, George Healy, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, Lachance, LaFleur, Lamy, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martin, McGlynn, McLaughlin Morgan, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Polak, Seamans, Simard, Edward Smith, Soucy, St. George, Van Loan, Wallace, Wallin, Gerdine Watson, Welch, Emma Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, John Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Pratt, Ralph, Rice, Doris Riley, Gerald Smith, Tarr, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Barka, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Robert Day, Felch, Flanagan, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, King, Krasker, Laycock, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rossley, Sanborn, Scamman, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Ruel, Sackett, Schreiber, Donald Smith, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur. D'Amante, Desnoyer, Ingram, LeBrun, Lucas, Palmer, Scott, Spaulding, Sara Townsend and Tucker, and the motion lost.

Resolution adopted.

HB 733, relative to an inventory requirement for a grocery store to get an off-sale permit. Majority: Ought to Pass. Rep. Sanborn for Regulated Revenues. Minority (Reps. Rounds, Desmarais, Lachance, Barrett, Valliere and Doris Thompson): Inexpedient to Legislate.

Majority: The Liquor Commission by regulation now uses \$1500. as a base for inventory for grocery stores to sell beer. The majority of the Committee feels that due to inflation, it's only fair to protect our present businesses, that this be brought up to \$3000. and the law should be specific. The vote was 9-6.

Minority: The value of inventory is now covered by Liquor Commission regulations and the minority feels that including this in the RSA is unnecessary.

Rep. Rounds moved that the Minority report, Inexpedient to Legislate, be substituted for the Majority report, Ought to Pass, spoke to his motion and yielded to questions.

Reps. Cunningham, Daniel Eaton and Griffin spoke against the motion.

Reps. Lawton and Plourde spoke in favor of the motion.

Rep. Bridges moved the previous question. Sufficiently seconded. Adopted.

The Speaker requested a division.

220 members having voted in the affirmative and 124 in the negative, the motion to substitute prevailed.

Question being on the substituted committee report, Inexpedient to Legislate. Resolution adopted.

The Speaker requested a division on the question of taking up Wednesday's Calendar at the present time.

259 members having voted in the affirmative and 51 in the negative, the House voted in favor of taking up Wednesday's Calendar at the present time.

#### SUSPENSION OF RULES

Reps. Marshall French and Spirou moved that the rules be so far suspended as to permit the House to consider Wednesday's Calendar at the present time.

Adopted by the necessary two-thirds.

#### COMMITTEE REPORTS (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 919, 1005, 730, 759, 775, 819, 798 and 2014, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 1011, 680, 783, 784 and 920, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HBs 1001, 590 487, 780, 751 and SB 73, and further moved that the House adopt the committee recommendation of Refer to Interim Study committees by the appropriate standing committees on HBs 1105, 665, 70, 685, 707, 742, 773 and HBI 2018.

HB 1001 was withdrawn from the Consent Calendar at the request of Rep. George Wiggins.

HB 742 was withdrawn from the Consent Calendar at the request of Rep. Wilfrid Boisvert.

HB 665 was withdrawn from the Consent Calendar at the request of Rep. Currier.  
Adopted.

HB 919, permitting school districts to hire outside auditors for the annual audit and examination of records. Inexpedient to Legislate. Rep. Keefe for Education.

The subject matter is taken care of in HB 147 already passed in House and Senate. Unanimous 16-0.

HB 1005, to provide educational opportunity without excessive busing. Inexpedient to Legislate. Rep. Shirley White for Education.

Although the Committee felt that action was needed to correct the problem presented, it should be handled at the local level. Appeal and tuition laws currently permit this.

HB 730, relative to the electricians' board. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

The Committee could find no overriding need for this bill at this time.  
Unanimous vote.

HB 759, permitting wage deductions pursuant to collective bargaining agreements. Inexpedient to Legislate. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Under the present statutes payroll deductions can only be made with the written authorization of the employee. This bill proposes to permit deductions pursuant to collective bargaining agreements which the Committee felt by-passed the right of an individual to have the final decision concerning wage deductions.

HB 775, relative to the commencement of bargaining and the resolution of disputes under the public employee labor relations law. Inexpedient to Legislate. Rep. McDonough for Labor, Human Resources and Rehabilitation.

In a close examination of the Public Employee Labor Relations Law the Committee concluded that the time limits for commencement and resolution of disputes proposed by the bill were not adequate or in the best interests for either party. Through a motion made by the sponsor the bill was unanimously voted inexpedient.

HB 819, relative to complaint on labor grievance and time required to act thereon. Inexpedient to Legislate. Rep. Robert Wheeler for Labor, Human Resources and Rehabilitation.

The Committee concluded that allowing a thirty day period before a formal investigation began concerning a labor grievance, unnecessary time delays and costs would result. It was felt that the best interests of the employer and employee were maintained by resolving the situation as soon as possible under the present law.

HB 798, establishing a house committee to investigate the rate structure of the New England Telephone Company. Inexpedient to Legislate. Rep. Lyons for Legislative Administration.

HB 275 which has recently passed the House covers the intent of this bill through the Legislative Consumers' Council. Such investigations are incumbent on the PUC. The nature of such structuring of rates is presently available in thousands of pages of material.

This bill would require a substantial appropriation for legal expenses if it were to support a meaningful study.

HBI 2014, Relating to energy emergencies. Inexpedient to Legislate. Rep. Lyons for Legislative Administration.

After the hearing, a subcommittee gathered much material on this subject and turned it over to the sponsor. The Committee felt the emergency plans for the State of New Hampshire were complete to quite minute detail and did not need repetitive study.

HB 1011, relative to the approval of the Dover school district budget. Ought to Pass. Rep. Valley for Education. This bill calling for a referendum in Dover was requested by several members of the City Council, and has the unanimous approval of the Dover School Committee. The vote of the Education Committee was 15-1.

HB 680, relating to the replacement and road repair of a certain bridge between Walpole, New Hampshire and Bellows Falls, Vermont. Ought to Pass. Rep. Marshall French for Interstate Cooperation.

This bill relates to the replacement and road repair of a certain bridge between Walpole, New Hampshire and Bellows Falls, Vermont. The Committee, based upon testimony heard, felt that a new span across the Connecticut River is necessary in the Walpole-Bellows Falls corridor and resolved that the bill be sent to Appropriations Committee. The vote was unanimous of those present. Referred to Appropriations.

HB 783, requiring the labor commissioner to issue a decision in a wage claim hearing within 30 days of the hearing. Ought to Pass. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Under present law a wage claim made by an employee must have a written decision by the Labor Commissioner within fifteen days. The Committee felt that this did not allow enough time for fact finding and investigation and a unanimous vote to extend the period for decision to thirty days was made.

HB 784, relative to the payment of liquidated damages by an employer for failure to pay back wages. Ought to Pass. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Under present law when an employee separates from his employment the employer must pay him his earned wages within certain prescribed time limits, or the employer must pay the employee ten percent in liquidated damages. Because the Department of Labor does all the investigative work on these claims and there is no charge to the employee this bill proposes to direct the payment of liquidated damages to the Labor Commissioner (i.e. General Fund) rather than the employee. It was estimated that this could raise an additional \$16,000 for the General Fund.

HB 920, relative to the state's assumption of the responsibility of water impoundment. Ought to Pass. Rep. Clafflin for Resources, Recreation and Development. The bill requires towns to make all possible local efforts to solve a dam problem before seeking state takeover. Particular reference is made to RSA 52:1 as amended.

HB 590, relative to a return transfer of funds from the division of welfare to the division of mental health. Ought to Pass with Amendment. Rep. Madeline Townsend for Health and Welfare.

The Committee unanimously recommends this bill ought to pass with amendment authorizing a return transfer of funds from the Division of Welfare to the Division of Mental Health of \$170,000 or such portion that still remains.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Authorizing Return Transfer of Funds from Division of Welfare to Division of Mental Health. Amend 1975, 505:21 as amended by 1976, 36:1 by inserting after paragraph II the following new paragraph:

III. \$170,000 or such portion that still remains of the \$287,970 transferred from the division of mental health pursuant to paragraph II, which will not be necessary to match federal funds for the purpose of reimbursing community mental health facilities in New Hampshire for services rendered to public welfare clientele under the medicaid program, shall be returned to and is hereby appropriated to the division of mental health to be allocated to community mental health agencies during fiscal year 1977.

Referred to Appropriations.

HB 487, providing for the recompilation of volume 3 of the Revised Statutes Annotated and making an appropriation therefor. Ought to Pass with Amendment. Rep. Benton for Legislative Administration.

The bill, as amended, permits the "Joint Committee on Legislative Services", in coordination with the director of Legislative Services, to determine which volumes of the statutes shall be recompiled, and the order of priority. "Recompilation funds" appropriated by the 1975 session, are non-lapsing, and may be used only for recompilation of the statutes. Sufficient monies are presently in the fund.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the publication of the Revised Statutes Annotated.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Recompilation of Revised Statutes Annotated. Amend 1975, 464:11 by striking out said section and inserting in place thereof the following:

464:11 Appropriation for Recompilation of Certain RSAs. There is hereby appropriated to the director of legislative services the sum of \$30,000



for the recompilation of volumes 2, 2-A and 2-B of the Revised Statutes Annotated and such other volumes of the Revised Statutes Annotated as shall be approved by the joint committee on legislative facilities. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 780, relative to certifications required of town and city officials on reports and assurances to state agencies. Ought to Pass with Amendment. Rep. Arnold Perkins for Municipal and County Government.

This bill is a housekeeping measure providing a uniform certification to be utilized by municipal officials whenever they must certify the accuracy of information on a document submitted to a state agency. The amendment simply clarifies that this is only required on forms to state agencies and not on every report, form and assurance submitted to the state.

#### Amendment

Amend RSA 41:67 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

41:67 Certification. Any report, form or assurance required to be submitted to the state by a town officer which requires the submitting officer to certify to the accuracy of information it contains shall use a statement for the certification in a form substantially similar to the following: "The information submitted on this form is a true and accurate statement to the best of my personal knowledge and belief based on the information available to me at the time entered hereon and no information is presently known by me to exist which leads me to believe or suspect otherwise."

Amend RSA 48:1-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

48:1-a Certification. Any report, form or assurance required to be submitted to the state by a city officer which requires the submitting officer to certify to the accuracy of information it contains shall use a statement for the certification in a form substantially similar to the following: "The information submitted on this form is a true and accurate statement to the best of my personal knowledge and belief based on the information available to me at the time entered hereon and no information is presently known by me to exist which leads me to believe or suspect otherwise."

HB 751, relative to the release of inmates at county houses of correction for the purpose of gainful employment or rehabilitation. Ought to Pass with Amendment. Rep. Nemzoff-Berman for State Institutions.

This bill facilitates and puts time limits on the manner in which work release petitions are approved. The authority to grant work release remains in the hands of the judges. The amendment outlines the process by which work release permits are granted. The vote of the Committee was unanimous.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the release of inmates at county houses of correction for the purpose of gainful employment.

Amend RSA 651:19 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

651:19 Release for Purpose of Gainful Employment.

I. Any person who has been committed to a penal institution other than state prison under a criminal sentence may be released therefrom by the sentencing court at the time of sentence, or at any time during the term of sentence. If the justice of the sentencing court does not act on a request for release within 7 days of the receipt thereof then a board consisting of the county commissioners, the county attorney, and the superintendent of the county house of correction may make a unanimous recommendation for release for the purpose of obtaining and working at gainful employment, or such purposes as the court or the board may deem conducive to the individual and the state. The board must transfer that recommendation to the sentencing court. If the justice does not act on said recommendation within 7 days of its receipt the subject person shall be granted release. If any one member of said board votes against release then the entire question of release shall revert to the sentencing court for disposition.

II. Such a release shall be for such time or intervals of time and under such terms and conditions as the court may order or the board may impose.

III. Any part of a day spent in the free community under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court.

IV. If a person violates the term and conditions laid down for his conduct, custody or employment, the court or the board may require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term.

V. The rates of pay and other conditions of employment of a person released for work shall be the same as those paid or required in the locality in which the work is performed.



SB 73, permitting members of the New Hampshire Fair Association to hold on-sale permits. Ought to Pass with Amendment. Rep. Sanborn for Regulated Revenues.

The vote was 15-0. Committee felt this bill offers a reasonable arrangement for special beverage permits at fairs and amended it to be effective on passage.

#### Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2. Effective Date. This act shall take effect upon its passage.

HB 1105, to provide for the protection and preservation of historic resources, artifacts, treasure and objects of antiquity which have historical value. Refer to the Committee on Claims, Military and Veterans Affairs for Interim Study. Rep. Benton for Claims, Military and Veterans Affairs.

Testimony at the public hearing revealed that the entire subject of "archeological finds," and particularly underwater coastal diving and reclamation of artifacts, is a most complicated subject, with many ramifications, which can only be resolved through a detailed study.

HB 70, requiring the state to assume Lancaster's ownership interest in the covered bridge between Lancaster, New Hampshire and Lunenburg, Vermont. Refer to the Committee on Interstate Cooperation for Interim Study. Rep. Marshall French for Interstate Cooperation.

This bill requires the state to assume Lancaster's ownership interest in a covered bridge between Lancaster, New Hampshire and Lunenburg, Vermont. The Committee felt strongly that some measures need to be taken to preserve this bridge.

The Committee was unanimous in recommending this be referred to Interstate Cooperation for interim study so that plans could be worked out with Federal, State and Local officials.

HB 685, relative to public greyhound racing kennels. Refer to the committee on Regulated Revenues for Interim Study. Rep. Sanborn for Regulated Revenues.

This bill as presently written did not satisfy anyone on the Committee. The Committee felt that the ideas presented deserved more study. The vote of the Committee was unanimous, 13-0, to refer this bill back to the Committee for interim study.

HB 707, prohibiting the ownership of racing greyhounds by certain individuals. Refer to the Committee on Regulated Revenues for Interim Study. Rep. Sanborn for Regulated Revenues.

This bill as presently written did not satisfy anyone on the Committee. The Committee felt that the ideas

presented deserved more study. The vote of the Committee was unanimous, 13-0, to refer this bill back to the Committee for interim study.

HB 773, adopting a lake and river protection zone act. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Claflin for Resources, Recreation and Development.

This bill has so sweeping an impact and has so many inconsistencies and confusions in it, that the Committee felt it should receive considerable input in the interim period.

HB1 2018, Relating to the Administrative Procedures Act. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Roderick O'Connor for Executive Departments and Administration.

The sponsors requested that this Bill of Intent be sent to Interim Study. Unanimous vote.

#### COMMITTEE REPORTS (Regular Calendar)

HB 537, relative to licensing pet shops and certain animal shelters. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill requires the licensing of certain animal shelters under the same provisions covering the licensing of pet shops in the state. The Department of Agriculture will be responsible for issuing the license if necessary. Testimony before the Committee was completely in support and included humane societies, veterinarians, and representatives of the SPCA. The amendment increases the licensing fees and allows medical treatment and the use of controlled drugs under the direction and supervision of a veterinarian.

#### Amendment

Amend RSA 443-A:2 as inserted by section 3 of the bill by striking out said section and inserting in place thereof the following:

443-A:2 Licenses. Applications for licenses shall be made annually in writing to the department on forms prescribed for that purpose and shall be accompanied by the following fees:

I. (a) For pet shop as defined by RSA 443-A:1-a, III, an annual fee of \$100.

(b) For animal shelter facility as defined by RSA 443-A:1-a, I or an S.P.C.A. as defined by RSA 443-A:1-a, IV, an annual fee of \$10.

II. Applications filed after January 1 shall be accompanied by a license fee of 50 percent of the annual fee. Licenses shall expire on June 30 following issue and may be renewed on application to the department accompanied by a renewal fee as required pursuant to paragraph I (a) or (b).

III. Prior to the issuance or renewal of any license hereunder, the department shall inspect the premises to be licensed

and, if after inspection such department finds that the premises, cages and other facilities thereon meet proper health and sanitation standards and that their use will not result in inhumane treatment of said animals or birds, a license shall be issued.

IV. Such licenses shall be in the form prescribed by the department and shall be publicly displayed at the premises covered thereby.

V. Each such license shall be subject to suspension and revocation at any time by the department if, in the judgment of said department, the premises for which such license was issued are not being maintained to meet proper health and sanitation standards.

VI. All license fees shall be desposited in the state treasury to the account of the department to be used for the enforcement of this chapter.

Amend RSA 443-A:4 as inserted by section 5 of the bill by striking out said section and inserting in place thereof the following:

443-A:4 Rules and Regulations.

I. The department is authorized to promulgate rules, regulations and health and sanitation standards to effectuate the purposes of this chapter.

II. The regulations shall also include health precautions in the case of birds and animals which are offered for sale, displayed, kept, placed or given away in stores or shopping facilities where foods or drink of any kind are sold, prepared or served.

III. Medical treatment and use of controlled drugs on any animal or bird under the care or possession or under the control of any licensee other than a veterinarian, may be administered only under the direction and supervision of a veterinarian for the purposes of this chapter.

Amendment adopted.

Referred to Appropriations.

HB 638, requiring the dating of retail containers of dairy products. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt there was no need for this. Most containers are already dated.

Resolution adopted.

HB 977, authorizing school boards to release graduating high school seniors early. Majority: Inexpedient to Legislate. Rep. Joos for Education. Minority: (Rep. Gary Dionne): Ought to Pass.

Majority: The Committee feels that the present regulation adequately covers the attendance problem. The law provides for appeal to the State Board of Education in unusual circumstances. Vote 13-2.

Minority: Passage of HB 977 would allow local control of such a decision. Graduating seniors may have

already completed their requirement with regard to credits and thus are only serving out time. Most courses taught to graduating high school seniors are geared to be completed one or two weeks before the actual end of the school year thereby negating an "educational" need to keep the student in class.

Resolution adopted.

HB 542, relative to state-wide mandatory solid waste recycling program and making an appropriation therefor. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

This is a completely rewritten bill. It is the end result of seemingly endless hours spent by the Environment and Agriculture Committee with various state and local groups including the Municipal Association, the Regional Planning staff, Public Works personnel, the State Solid Waste Division, environmental groups, business representatives, the Attorney General's Office, and interested private citizens.

The redrafted bill authorizes the State and the Governor to act to implement the federal resource and recovery bill of 1976, at the same time recognizing that the schedule for publication of the federal guidelines may vary some from the first proposal. New Hampshire should remain flexible in the development of the required plan.

A solid waste policy advisory committee is created to represent the regional areas established by the Governor, and to oversee development of the final state plan.

Provision is made for state, local, and citizen input at every stage of this development. A guarantee is written in to protect already established solutions, or others under study. There would be no financial burden placed on any town.

Any regulatory authority established in the final plan is subject to review and approval by the General Court.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to a state-wide solid waste management program.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. It is the declared purpose of the general court to protect human health, to preserve the natural environment, and to conserve precious and dwindling natural resources through a solid waste management program, developed and carried out in accordance with the provisions of public law 94-580 (Resource Conservation and Recovery Act of 1976). It is the intention of the general court that

solid waste management be undertaken, to the fullest extent practicable, on a sub-state regional basis, and that recovery of resources from solid waste through recycling, the use of solid waste as a source of fuel or energy, and (where primary and secondary aims are not practicable) the disposal of solid waste in some manner of minimum hazard to human beings and their environment, shall be the principal aims of a state-wide solid waste management program.

2 Managing Waste. Amend RSA 147 by inserting after section 44 the following new subdivision:

Solid Waste Management  
147:45 State-Wide Solid Waste  
Management Program.

I. Within 180 days of publication of federal guidelines pursuant to section 402 (a) of public law 94-580, and upon the recommendation of the bureau of solid waste within the division of public health services, department of health and welfare, the governor shall determine the boundaries of each area within the state which, as a result of urban concentrations, geographic conditions, markets, and other relevant factors, is appropriate for carrying out regional solid waste management. At the same time, the governor shall appoint a solid waste policy advisory board consisting of 2 elected local officials from within each region designated by him. Following initial determination of such areas, their boundaries may be changed from time to time, and regions may be added or deleted, pursuant to subsequent modifications to the federal guidelines.

II. Upon enactment of this section, the bureau of solid waste shall undertake to develop its recommendation to the governor, pursuant to paragraph I hereof. The recommendation shall consider the factors set forth in paragraph I, as well as the requirements of federal guidelines published under section 406 of public law 94-580, and shall, to the fullest extent practicable, provide for the use of regional solid waste planning undertaken in this state prior to the enactment of this section. In developing its recommendation to the governor, the bureau shall consult with local elected officials and other members of the public, who shall be given an opportunity to comment on the recommendation before it is submitted to the governor.

III. (a) Within 180 days of the determination made by the governor pursuant to paragraph I of this section, the bureau of solid waste, in consultation with and with the advice of, the solid waste policy advisory committee shall, for the purpose of establishing a planning process for the development of the state-wide solid waste management plan:

(1) Identify the agency that will develop the state plan, and the agency or agencies that will implement the state plan; and

(2) Identify which solid waste functions will, under the state plan, be

planned and carried out by the state, and which will be planned and carried out by a regional or local authority, or by a combination of state, regional or local authorities.

(b) In carrying out their responsibilities under this paragraph, the bureau and the policy advisory committee shall, to the fullest extent practicable, utilize or integrate into the planning process, regional solid waste management planning undertaken in this state prior to the enactment of this section. They shall, in addition, provide full opportunity for comment from the public, local units of government, and industry.

IV. Following the publication of federal guidelines pursuant to section 402 (b) of public law 94-580, agencies identified pursuant to paragraph III hereof, shall develop the state solid waste management plan. Following completion of the plan, it shall be approved by the governor, who shall be responsible for submitting it to the responsible federal official for approval under public law 94-580. The state plan shall:

(a) Identify the distribution of federal funds to the authorities responsible for development and implementation of the plan, and the means of coordinating regional planning and implementation under the plan;

(b) Prohibit the establishment of open dumps, and require that all refuse, as defined by RSA 147:24, IV, or waste matter, as defined by RSA 147:30-e, shall be utilized for resource recovery, disposed of in sanitary landfills, or otherwise disposed of in an environmentally sound manner;

(c) Provide for the closing or upgrading of all open dumps not subject to closure or upgrading under other provisions of law;

(d) Recommend the establishment of such regulatory authority as may be necessary to implement the plan;

(e) Provide for such resource conservation or recovery and combination of practices as may be necessary to use or dispose of such waste in a manner that is environmentally sound;

(f) Provide for the equitable apportionment of costs of solid waste management among the citizens and local government units of the state;

(g) Establish a procedure for dealing with grievances arising out of the implementation of the plan; and

(h) Incorporate into the plan, to the fullest extent practicable, existing solid waste disposal facilities and procedures.

147:46 Existing Community Obligations. Nothing contained in this subdivision shall relieve communities of obligations, existing under other provisions of law, to abate open dumps or nuisances, or to establish sanitary landfills, and nothing herein shall impose upon any municipality in this state a financial burden in excess of that



required under the law as it existed prior to the enactment of this provision, except for requirements mandated by the general court in legislation passed to implement a state plan.

147:47 Resources Recovery Facilities. No municipality in this State shall be prohibited by any provision of local or state law from entering into longterm contracts for the supply of solid waste to resource recovery facilities.

3 Appropriation. The sum of \$100,000 is hereby appropriated for use by the division of public health services, department of health and welfare, for the purpose of contracting a pre-engineering plan to determine the implementation and operation of a state-wide mandatory solid waste recycling program. Contract for a pre-engineering plan shall be by competitive bid and shall be awarded, administered and supervised by the division of public health services, department of health and welfare. Said sum shall be in addition to any other sums appropriated to the division of public health services, department of health and welfare. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Greene moved that HB 542 be made a Special Order for Thursday, April 28.  
Adopted.

HB 314, improving procedures of the medical board for supervising medical practice and stabilizing medical liability claims. Majority: Ought to Pass with Amendment. Rep. Blanchette for Health and Welfare. Minority: (Reps. Daniell and Ralph): Inexpedient to Legislate.

Rep. Rice moved that HB 314 be made a Special Order for Tuesday, May 3.  
Adopted.

HB 428, requiring enclosed malls to provide public rest rooms. Ought to Pass with Amendment. Rep. Eugene Daniell for Health and Welfare.

The purpose of HB 428 is to provide consumers with toilet facilities rather than place undue burden on the few store owners who have them for their own customers. Areas that will have to comply with this are enclosed, unenclosed and shopping centers and malls with their own parking facilities and six service units or a merchandising area, exclusive of parking space of not less than 30,000 square feet. The Committee vote was 13-0.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Public Rest Rooms. Amend RSA 147:8 (supp) as amended by inserting in line 10

after the word "offensive." the following (furthermore, no person shall occupy, lease to any other person or permit any other person to occupy within any shopping mall or any part thereof, any store, office, shop, theater, building, room or part of same unless such mall shall have readily accessible public toilet facilities for both males and females constructed and maintained as described in this section. A shopping mall for the purpose of this section shall be any group of 6 or more establishments, as enumerated above, or any group of such establishments occupying a total combined space of at least 30,000 square feet, operated under common ownership or management. Every such public toilet facility must be so constructed as not to present an architectural barrier to physically handicapped persons. Said public toilet facilities shall be open to the public whenever any store, restaurant or other business in the mall is open. For the purposes, hereof, public toilet facilities located within any store, restaurant or other business shall not qualify but said facilities must be accessible directly from the mall area.) so that said section as amended shall read as follows:

147:8 Toilets; Drains. No person shall occupy, lease to any other person, or permit any other person to occupy, a building or any part of a building as a dwelling house, office, store, shop, theater, public hall, sleeping apartment or tourist cabin, unless such building shall have readily accessible adequate toilet and lavatory facilities, properly ventilated and constructed, and kept in proper sanitary condition; and unless said building shall be provided with suitable drains or sewers for conveying waste water and sewage away from the premises into some public sewer, if there be one within 100 feet thereof, and if not, for conveying it away underground or in some other manner that will not be offensive. Furthermore, no person shall occupy, lease to any other person, or permit any other person, to occupy within any shopping mall or any part thereof any store, office, shop, theater, building, room or part of same unless such mall have readily accessible public toilet facilities for both males and females constructed and maintained as described in this section. A shopping mall for the purposes of this section shall be any group of 6 or more establishments, as enumerated above, or any group of such establishments occupying a total combined space of at least 30,000 square feet, operated under common ownership or management. Every such public toilet facility must be so constructed as not to present an architectural barrier to physically handicapped persons. Said public toilet facilities shall be open to the public whenever any store, restaurant or other business in a mall is open. For the purposes hereof, public toilet facilities located within any store, restaurant or other business shall not qualify but said



facilities must be accessible directly from the mall area. The phrase public sewer, as used in this chapter, shall be understood to mean any sewer constructed and maintained by taxation, or any sewer which is open for general use upon the payment of a rental, license or other fee. Notwithstanding the provisions of this section, privies (outhouses not conveying sewage by water) may be allowed if such facilities are first approved by the local municipal health officials as to location and construction of the facilities. At the option of the local municipal health officials, further approval may be required by the water supply and pollution control commission, prior to the construction of such facilities.

Amendment adopted.

Ordered to third reading.

HB 622, relative to the responsibility for public medical assistance. Ought to Pass. Rep. Knight for Health and Welfare.

This bill changes one word in the present law to bring the state law into conformity with the federal regulations. The present law states that medical assistance cannot be recovered from a person's family if the person is under 21 years of age and blind. The new line would say under 21 or blind.

Ordered to third reading.

HB 878, requiring the listing of the chemical names of ingredients on the containers of prescription drugs.

Inexpedient to Legislate. Rep. Helen Wilson for Health and Welfare.

The Committee felt this bill would not solve the problem it is intended to address. Requiring the listing of chemical names on the containers of prescription drugs will not protect the consumer. The highly technical nature of chemical names would not be understood sufficiently to be used as a sound basis for consumer decision making in choosing which drugs to purchase. Legislation has been passed in previous sessions designed for consumer protection in the area of prescription drugs.

Resolution adopted.

HB 689, relative to town funds on deposit in any one bank. Ought to Pass. Rep. Emile Boisvert for Municipal and County Government.

Presently it is necessary for town treasurers to use two or three banks if funds to be deposited exceed their bank's net value. The intent of this bill is to assist small town treasurers who have limited access to banks by allowing them to deposit all monies immediately and redistribute to other banks within a twenty day time limit.

Ordered to third reading.

HB 785, relative to cities, towns and precincts contracting with sanitary engineering firms. Ought to Pass with Amendment. Rep. Clafin for Resources, Recreation and Development.

This bill received no opposition. It is a home rule bill that enables municipalities to contract with prequalified engineers and firms without the Water Supply and Pollution Control Commission being a party to the negotiations when the operations are funded solely by local revenues. Unanimous vote of the Committee.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1. Local Sanitary Engineering Contracts. Amend RSA 149:4, XIII (supp) as inserted by 1967, 147:8 as amended by inserting in line 13 after the word "personnel" the following (In event a city, town, or precinct wishes to engage a prequalified sanitary engineering firm for the purpose of conducting a study or studies of wastewater treatment plant maintenance and operations, to design lateral sewers or sewer extensions, and to observe or supervise construction of said sewers or extension and if said services are to be financed solely by locally collected sewer rents, local ad valorem taxes, or private gifts, said city, town, or precinct may enter into a contract with said engineer or firm for the performance of said services as a 2-party contract, and the commission need not be a party to said contract.) so that said paragraph as amended shall read as follows:

XIII. To review, establish maximum state participation fees and modify in any other way which in the judgment of the commission will promote economy and the purposes of this chapter, and following such review or modification, approve and cosign jointly with the municipality or other governmental subdivision concerned any proposed contracts or other proposed agreements or changes in contracts or agreements for engineering services related to sewerage and other pollution control facilities. Further, the commission shall prescribe the contract documents to be employed and may provide for the assessment of liquidated damages for failure to complete the work within the time stipulated therefor. Except for the financial assistance available to municipalities under the provisions of RSA 149-B, nothing herein shall be construed to place any additional financial obligation on the state, the commission, or its personnel. In the event a city, town, or precinct wishes to engage a prequalified sanitary engineering firm for the purpose of conducting a study or studies of wastewater treatment plants maintenance and operations, to design lateral sewers or extensions and if said services are to be financed solely by locally collected sewer rents, local ad valorem taxes, or private gifts, said

city, town, or precinct may enter into a contract with said engineer or firm for the performance of said services as a 2-party contract, and the commission need not be a party to said contract.

Amendment adopted.

Ordered to third reading.

HB 896, authorizing requiring an investigation of the water level in Arlington pond by the water resources board. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

The Committee feels that the subject matter of this bill is for resolution by the courts and not the Legislature.

Rep. LaMott moved that HB 896 be referred to the committee on Resources, Recreation and Development for Interim Study.

Motion lost.

Resolution adopted.

SB 82, relative to the director of forest and lands and the director of parks. Ought to Pass. Rep. Claflin for Resources, Recreation and Development.

This bill changes all references to the Director of the Division of Resources Development to his current statutory title of the Director of the Division of Forests and Lands. Adds the duties of protection of forests from pests, the promoting of stability of forest using industries. Provision is made for entry on any lands in state for this purpose. Referred to Appropriations.

HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles. Ought to Pass. Rep. James Murray for Transportation.

The Committee felt that every person should have the right to choose their own safety precautions for driving motorcycles as we do in living in our own homes and driving our cars. The Committee feels that this new helmet wearing choice to be provided, HB 11 will give our own people the "freedom" to be or not to be protected. Ordered to third reading.

SB 20, providing that only persons less than 16 years of age be required to wear protective headgear while operating or riding on a motorcycle. Inexpedient to Legislate. Rep. James Murray for Transportation.

The subject matter is covered better in HB 11.

Resolution adopted.

SB 2, permitting optometrists to advertise prices for glasses and contact lenses. Majority: Ought to Pass. Rep. Baker for Commerce and Consumer Affairs. Minority (Reps. Rossley, Plourde, Plomaritis and Found): Ought to Pass with Amendment.

Majority: This is a very simple bill which allows optometrists to advertise price in order to help the consumer. They will be policed exclusively by the Optometry Board to make certain that false and misleading advertising can be dealt with.

Minority: The minority feels that SB 2 should pass with an amendment guaranteeing full disclosure to protect the consumer. We have to make sure the consumer knows the technical aspects of the lenses and frames. And, we don't want to discriminate by changing only the optometry law, not making the same change for ophthalmologists or chain dispensing stores.

Rep. Plourde moved that SB 2 be made a Special Order for Tuesday, May 3.

Rep. Crory spoke to the motion.

Motion lost.

Rep. Crory offered an amendment.

#### Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Additional Penalty Provided. Amend RSA 327:30 (supp) as amended by striking out said section and inserting in place thereof the following:

327:30 Penalty.

I. Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor.

II. Any person regulated by this chapter who is guilty of an unlawful act, as defined in RSA 358-A, shall be subject to prosecution thereunder.

4 Effective Date. This act shall take effect 60 days after its passage.

The Assistant Clerk read the Amendment. Amendment adopted.

Rep. Plourde yielded to questions and yielded to Rep. Crory.

Rep. Lamy spoke to the committee report.

Rep. Rossley yielded to questions.

Rep. Baker spoke to the committee report and yielded to questions.

Rep. Lamy moved that SB 2 be recommitted to the committee on Commerce and Consumer Affairs.

Rep. Rossley spoke against the motion.

Rep. Plourde spoke in favor of the motion.

Motion lost.

Ordered to third reading.

HB 970, providing for the withdrawal of the Greenland, New Castle, Newington and Rye school districts from Supervisory Union No. 52. Ought to Pass. Rep. Boucher for Education.

Title self-explanatory. Committee vote 14-2.

Rep. Greene offered an amendment.

The Assistant Clerk read the amendment.

Rep. Greene spoke to her amendment, and yielded to questions.

Reps. Richards and Gemmill spoke in favor of the amendment.

Reps. Griffin and Krasker spoke against the amendment.

Rep. Greene withdrew her amendment.  
Committee report adopted.  
Referred to Appropriations.

HB 742, to reclassify part of the Pennichuck brook and authorize use of the Merrimack river water in the Pennichuck water works system. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Clafin for Resources, Recreation and Development.

Rep. Wallin moved that HB 742, be made a Special Order for Tuesday, May 3.  
Adopted.

HB 1001, relative to the fire service training, education and research program and funding same. Ought to Pass with Amendment. Rep. Gemmill for Education.

Rep. George Wiggins moved that HB 1001 be made a Special Order for Tuesday, May 3.  
Adopted.

HB 665, permitting certain school districts to pay teachers' contributions to the New Hampshire retirement system. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study. Rep. Close for Executive Departments and Administration.

Rep. Currier moved that HB 665 be made a Special Order for Tuesday, May 3.  
Adopted.

HB 846, amending the city charter of Nashua relative to the election of the board of education. Ought to Pass. Rep. Drewniak for Municipal and County Government.

Rep. Wallin moved that HB 846 be made a Special Order for Tuesday, May 3.  
Adopted.

#### SUSPENSION OF RULES

Rep. Richard Hanson moved that the rules be so far suspended as to permit the Committee on Municipal and County Government to hold a hearing without two-days notice in the calendar on HB 903, permitting the legislative body of any city or town to regulate and control the timing of all types of development; HB 904, permitting the delegation of authority to an administrative body to carry out the procedures of the planning board; HB 889, restricting the powers of a board of adjustment in the granting of use variances; HB 909, relative to prior local approval of subdivisions; HB 711, eliminating the requirement that town clerks send reports to certain state societies; HB 912, relative to zoning authority; HB 914, providing for a voter petition to amend subdivision regulations in a town; HB 916, permitting planning boards to require a subdivision to install prescribed traffic control devices; HB

1059, relative to appropriations at town, school district and village district meeting; HB 951, relative to the removal of absent town budget committee members; HBI 2000, relating to the state reimbursing the town of Plymouth for municipal services rendered to Plymouth state college; HB 1063, relative to appropriations of governmental units by warrant articles; HB 1153, relative to reporting audit findings in summary form.  
Adopted by the necessary two-thirds.

Rep. Raymond Conley offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 1184 through 1186 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.  
Adopted.

#### INTRODUCTION OF BILLS

First, second reading and referral  
HB 1184, relative to a temporary absence from residence and its effect on voting rights. (Conley of Carroll Dist. 3 - To Statutory Revision)

HB 1185, concerning purity of elections. (Conley of Carroll Dist. 3 - To Statutory Revision)

HB 1186, relative to legal voters. (Conley of Carroll Dist. 3 - To Statutory Revision)

#### SUSPENSION OF RULES

Rep. Raymond Conley moved that the rules be so far suspended as to allow a hearing without two days notice on HB 1184, relative to a temporary absence from residence and its effect on voting rights; HB 1185, concerning purity of elections; HB 1186, relative to legal voters.

Adopted by the necessary two-thirds.

Rep. Lyons moved that the rules be so far suspended as to permit the Committee on Legislative Administration to hold a hearing without two days notice in the Calendar on HB 597, relative to the applications and expenditure of federal funds and making an appropriation therefor.  
Adopted by the necessary two-thirds.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Roberts, Marshall French and Margaret Cote offered the following:

#### HOUSE RESOLUTION NO. 33

Extolling Greta M. Ainley

WHEREAS, Greta M. Ainley, Representative from Manchester for ten sessions, currently holds the high honor and responsibility of the office of President of the National Order of Women Legislators, and

WHEREAS, Rep. Ainley is the third woman from New Hampshire to have been elected to that distinguished position, and



WHEREAS, she has served as State President of the OWLS in 1969 and 1971, Historian of the National OWLS in 1972, Secretary of the National OWLS in 1973, and

WHEREAS, she is the honored guest of this evening's 1977 installation of New Hampshire officers of the OWLS, now therefore be it

RESOLVED, that the House of Representatives in General Court convened, does recognize her contributions over two decades of public service to her constituents, to the State of New Hampshire, and to her fellow associates in the OWLS, and be it further

RESOLVED, that the prayers and best wishes of her colleagues of the 1977 session be formerly extended to her by means of a suitable copy of these resolutions.

The Clerk read the resolution.

Unanimously adopted on a rising vote.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 28, at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 472, relative to the regulation of small loans.

HB 647, repealing the penalty for neglecting children.

HB 732, eliminating the permits and licenses issued for up to 4 consecutive months per licensing year.

HB 779, relative to guardianship of residents of Laconia state school.

HB 662, amending the methods of giving proof of financial responsibility.

HB 740, relative to the use of emergency lights.

HB 762, prohibiting the towing of certain vehicles.

HB 764, expanding the penalty provision relative to an overloaded vehicle.

HB 850, requiring each school district treasurer to pay out moneys belonging to the district upon orders of the duly empowered representatives of the school board.

HB 894, providing opportunity in public education without discrimination.

HB 495, relative to a charge for checks returned to a city or town as uncollectible.

HB 703, establishing a dog control law.

SB 39, requiring the mailing of resident tax bills within 30 days of the receipt of the tax warrant by the tax collector and changing the requirements for motor vehicle registration.

HB 457, redefining the term "motor truck" in the motor vehicle laws.

HB 648, clarifying certain penalty provisions in the uniform motor vehicle certificate of title and Anti-Theft Act. (RSA 269-A).

HB 718, relative to the permitted width of buses on state highways.

HB 720, increasing the penalty for operating an off highway recreational vehicle on a railroad right-of-way, airport runways and cemeteries.

HB 1011, relative to the approval of the Dover school district budget.

HB 783, requiring the labor commissioner to issue a decision in a wage claim hearing within 30 days of the hearing.

HB 784, relative to the payment of liquidated damages by an employer for failure to pay back wages.

HB 780, relative to certifications required of town and city officials on reports and assurances to state agencies.

SB 73, permitting members of the New Hampshire Fair Association to hold on-sale permits.

HB 920, relative to the state's assumption of the responsibility of water impoundment.

HB 751, relative to the release of inmates at county houses of correction for the purpose of gainful employment.

HB 428, requiring closed malls to provide public rest rooms.

HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles.

SB 188, legalizing a regular meeting of the Monadnock regional school district.

HB 622, relative to the responsibility for public medical assistance.

HB 689, relative to town funds on deposit in any one bank.

HB 785, relative to cities, towns and precincts contracting with sanitary engineering firms.

SB 2, permitting optometrists to advertise prices for glasses and contact lenses.

346 members were recorded as present.

#### RECESS

Rep. Spiro served notice that today or some subsequent day, as limited by the rules, he would ask the House to reconsider its action in killing HB 564, relating to hospital, medical and non-profit health service corporations.

Rep. Parolise served notice that today or some subsequent day, as limited by the rules, he would ask the House to reconsider its action in killing HB 896, authorizing requiring an investigation of the water level in Arlington pond by the water resources board.

Reps. McLane and Martin served notice that today or some subsequent day, as limited by the rules, they would ask the House to reconsider its action in passing HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles.



## PROTEST AND DISSENT

By Daniel J. Healy, Rep. Hills. Dist. #25

Under Art. #24, Part Second of the Constitution of N. H., I enter my protest and dissent to the vote of the House to commit HB 252, guaranteeing freedom of speech, right to criticism and disclosure for all state employees to the Committee on Constitutional Revision for the following reasons:

1. The action of the House prevents me from faithfully and impartially discharging and performing all the duties of Representative to the General Court as constitutionally mandated by Art. #84, Part Second of the N.H. Constitution.

2. To paraphrase Art. 44, Part Second of the N.H. Constitution entitled "Veto To Bills" --- The House of origin of a bill shall proceed to reconsider a veto upon its return to that house and in all such cases the votes shall be determined by yeas and nays and the names of persons voting for or against the bill shall be entered in the journal of that body. --- To commit or to table as was done on June 17, 1975 when HB 928 of that session of the Legislature was tabled without following the provisions of Art. #44, Part Second (no reconsideration of vetoed bill nor votes or reconsideration by yeas and nays and the names of persons voting for or against the bill were entered in the Journal of the House) is an unconstitutional procedure that by its illegality jeopardizes the members rights to lawfully hold the office of Representative to the General Court.

3. I find no precedent in the N.H. Legislature, one of the oldest English speaking legislative bodies in the world, that permits its members to violate their sworn duty to uphold its constitution, nor do I find any special exemptions or privileges to circumvent its provisions.

4. Regardless of the merits of HB 252 or the wisdom of the veto of the bill, the reconsideration of it should have been promptly determined by the recording of the yeas and nays of each member of the House as mandated by the Constitution and should not have been subject to actions that violate its provisions.

5. I respectfully conclude that the motion to commit HB 252 prevents me as a Representative to the General Court from performing my sworn duties to uphold the Constitution of N.H.

## RECESS

(Rep. Marshall French in the Chair)

Rep. Lyons offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 1187 through 1190 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral  
HB 1187, increasing the jurisdiction of the ballot-law commission. (Conley of Carroll Dist. 3 - To Statutory Revision)

HB 1188, concerning membership of the ballot-law commission. (Conley of Carroll Dist. 3 - To Statutory Revision)

HB 1189, concerning the reporting of political expenditures, advertising and contributions by certain committees and certain candidates. (Conley of Carroll Dist. 3 - To Statutory Revision)

HB 1190, relative to taxing the property of the North Bay Council, Inc., of the Boy Scouts of America located in the town of Orford. (Thomson of Grafton Dist. 7 - To Municipal and County Government)

(Speaker in the Chair)

Reps. Gemmill and Chambers moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 31

*Thursday, 28 Apr77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Nature has given to people one tongue but two ears, that we may hear from others twice as much as we speak. It seems to me Lord that this is most important for those of us who have been elected to lead. Help us God to keep one ear tuned in on the many folks out there in the several communities we serve that we may draw, from the quantity of words spoken here, wisdom for right decision making. Give us grace to speak carefully and listen well. May our actions and deeds bear witness to those who wait and watch that we are here to serve rather than to be served. The important times in which we live demands the best from each of us. Our best is set free when we seek sincerely to serve in Your name and for Your sake. So mote it be! Amen!

Rep. Campbell led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Forsaith Daniels, Burrows, Kerry O'Connor, Towle, Bellemore, the day, illness.

Rep. Nardi, the day, illness in the family.

Reps. Cornelius, Proctor, Torrey, Stahl, Danforth, Alter, Kenneth MacDonald, Ruel, Appel, Vlack, Faucher, Goyette, the day, important business.

## INTRODUCTION OF GUESTS

Troop 309 Boy Scouts of Troy, Robert Hebert, John Callahan, Mark Lorton, David Hinchey, Tony Harris, Jeff Patch, Wayne Kelly and Assistant Scout Master, George Power, guests of Rep. Matson; Fifth graders from the Bernice Ray School, Hanover, guests of the Hanover Delegation; Troop 173 Cadet Girl Scouts from Salem and Leaders, Barbara DeFruscio and Norma Lecchini, guests of the Salem Delegation; Jane Chambers, daughter and guest of Rep. Chambers; Kevin Henderson, guest of Rep. St. George; Mr. and Mrs. Gerald Danner, guests of Reps. Elmer Johnson and Joseph Cote; eighth grade students from Windham Center School accompanied by their Social Studies Instructor, Mr. Paul Mauceri and chaperone Mrs. Helen Carter, guests of Reps. Kashulines and Skinner

## SENATE MESSAGE CONCURRENCE

HB 340, abolishing the police commission in Claremont.

HB 288, relative to emergency medical technicians.

HB 468, an act opening Christine Lake in the town of Stark to ice fishing.

## VACATE

Rep. Raymond Conley moved that the House vacate the reference of HB 1176, reapportioning Belknap District 4 for representative districts to the general court, to the committee on Statutory Revision and re-refer said bill to the committee on Municipal and County Government.

Adopted.

Rep. Morgan requested a quorum count.

Rep. Marshall French moved there be a call of the House.

Adopted.

The Speaker instructed the Sergeant-at-Arms to seek out members and inform them of the call of the House.

209 members having answered the call of the house, the Speaker declared a quorum present.

## COMMITTEE REPORTS (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 925, 933, 990, 992, 815, 240, 729, 852, 1012, 708, 1053, 698, 1100 and 712, HBI 2020 and HJR 3, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 463, 748, 928, 752, 799, 801, 1054, 922, 879 and 910, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HBs 979, 876 and 851, and further moved that the House adopt the committee recommendation of Refer to Interim Study committees by the appropriate standing committees on HBs 626, 411, 767, 631, 632, 633, 634, 635, 1009, 800, 2005, 2006, 721, 891 and HBI 2012 and CACR 14, and further moved that the House adopt the committee recommendation of Refer to the Current Use Advisory Board for recommendation on HB 923.

HB 851 was withdrawn from the Consent Calendar at the request of Rep. Chandler.

HB 879 was withdrawn from the Consent Calendar at the request of Rep. Chandler.

HB 240 was withdrawn from the Consent Calendar at the request of Rep. Greene.

HB 729 was withdrawn from the Consent Calendar at the request of Rep. Greene.

HB 852 was withdrawn from the Consent Calendar at the request of Rep. Greene.

HB 1012 was withdrawn from the Consent Calendar at the request of Rep. Greene.

HB 923 was withdrawn from the Consent Calendar at the request of Rep. Greene.

Adopted.

HB 925, relative to the employment of an attorney to handle closing transactions on real property purchases. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

Inexpedient at request of sponsor.

HB 933, relative to the duty to disclose certain information imposed upon real estate brokers and salesmen.

Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee did not feel that this was needed.

HB 990, relative to licensing and advertising by professionals. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

Inexpedient at request of sponsor.

HB 992, requiring all utilities to charge consumers only for actual service provided. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs. Inexpedient at request of sponsor.

HB 815, relative to tenancies in mobile home parks. Inexpedient to Legislate. Rep. Foley for Constitutional Revision.

The statutes dealing with mobile homes are model legislation and need not be changed. The vote of the Committee was unanimous.

HB 708, including an osteopathic physician on the board of registration in medicine. Inexpedient to Legislate. Rep. Helen Wilson for Health and Welfare.

HB 708 was voted by Committee as inexpedient to legislate. The reason for this was that there are not enough osteopathic physicians in the state at this time to warrant another position on the Board of Registration in Medicine. The Committee vote was 10-4.

HB 1053, relative to legislative mileage. Inexpedient to Legislate. Rep. Martin for Legislative Administration.

As it costs just as much to drive a car to the Legislature during the Special Session as it does during the Regular Session; the Committee decided that it would be inappropriate to lower mileage payments for the Special Session.

HB 698, relative to the board of taxation holding hearings on questions of taxation in the various counties at the request of the selectmen or assessors or the taxpayer. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

Because of scheduling difficulties and the increased workload and expenses involved, the Committee feels this bill is impractical. In addition, there was no testimony to support the need for local hearings.

HB 1100, requiring the water resources board to advise the eminent domain commission in the taking of waterfront properties. Inexpedient to Legislate. Rep. Dickinson for Resources, Recreation and Development.

This bill proposes a broad legislative remedy for a private problem between two landowners. The right of eminent domain should not be made available to private interests. Vote was 15-0.

HB 712, relative to the installation and use of telephones for volunteer fire departments. Inexpedient to Legislate. Rep. Taylor for Science and Technology.

The Committee was reluctant to recommend this legislation which addresses a particular problem of telephone charges between volunteer fire departments in southwestern New Hampshire and the telephone company. Supporters of the bill felt that such volunteer organizations, being set up to assist with emergencies in communities on a non-profit basis, should not have to pay business phone rates for their second phone when it is primarily used for "social" purposes.

It was also felt by the Committee that if this bill were to become law it would establish a precedent for similar such civic, service or charitable organizations unduly upsetting the telephone company's tariff and rate structure in New Hampshire.

HB 2020, Relating to a single inventory of state-owned property. Inexpedient to Legislate. Rep. Lyons for Legislative Administration.

A bill presently before the Senate would establish a procedure for a single inventory of all state-owned property. Sponsor requested this bill of intent be reported inexpedient to legislate.

HJR 3, providing for a legislative committee to study regional revenue sharing. Inexpedient to Legislate. Rep. Roderick O'Connor for Legislative Administration.

Committee feels a better approach would be for Ways and Means to offer a resolution to study this concept. Unanimous vote.

HB 463, increasing the amount of the homestead right. Ought to Pass. Rep. Slack for Constitutional Revision.

The Committee felt by a vote of 11-1 that this bill be reported ought to pass. This is a very simple change in the statute to keep up with inflationary change.

HB 748, to implement the uniform marriage recognition law. Ought to Pass. Rep. Hess for Constitutional Revision.

This is a non-controversial housekeeping measure which will solve some legal problems involved with couples crossing state lines to get married. Unanimous vote.

HB 928, relative to veterinarian licenses. Ought to Pass. Rep. Rogers for Environment and Agriculture.

The Committee feels this bill is reasonable in that veterinarians' organizations hold many two-day seminars in the New England states every year, two of these being in Durham. A veterinarian could attend

the seminar of his choice and meet the qualifications of this bill.

HB 752, relative to the time limit for reporting divorces to the bureau of vital statistics. Ought to Pass. Rep. Brody for Executive Departments and Administration.

This bill changes the time for reporting divorce decrees to the Bureau of Vital Statistics, from the close of the court term to monthly. Committee vote was unanimous.

HB 799, including divorce among the events that are reportable to the registrar of vital statistics. Ought to Pass. Rep. Brody for Executive Departments and Administration.

This bill includes divorce in events to be reported to registrar of vital statistics; it provides that the registrar shall supply forms to clerks of Superior Court and responsible institutions. Committee vote was unanimous.

HB 801, relative to providing certain additional documents when applying for a marriage license. Ought to Pass. Rep. Brody for Executive Departments and Administration.

This bill requires that final divorce decrees, and/or death certificates (if applicable) be added to documents required before a marriage license can be issued. Unanimous vote of Committee.

HB 1054, relative to the distribution of legislative budget post-audit reports. Ought to Pass. Rep. Roderick O'Connor for Legislative Administration.

The Committee was unanimous in its opinion that there is a need for this bill to insure that copies are available for transmittal to appropriate House and Senate Committees. Unanimous vote.

HB 922, relative to property tax exemptions for real estate equipped with wind-powered energy systems. Ought to Pass. Rep. Taylor for Science and Technology.

This legislation adds wind-powered energy systems to those real estate improvements already eligible for local property tax exemptions. The 1975 Legislature provided this same exemption for solar heating and cooling systems if approved by referendum at the local level. This bill also requires local voter approval before the tax exemption can be issued.

The Committee was unanimous in its recommendation realizing that penalizing homeowners or businessmen who chose alternate energy forms by increasing their taxes would only compound the energy situation.

HB 910, relative to double doors. Ought to Pass. Rep. Rich for State Institutions.

This bill promotes public safety.

HB 979, relative to lighting the state house dome from sunset to 2:00 a.m. Ought to Pass with Amendment. Rep. Benton for Claims, Military and Veterans Affairs.

The Committee agreed with all 49 sponsors of the bill that illumination of the dome provided a means of expressing pride in being a resident of New Hampshire, and of inviting attention to the State House in longest continuous use in the nation. The adjusted schedule of "lit hours" is based on recent traffic surveys, so that the dome will NOT be illuminated during hours when there is negligible traffic flow on adjacent highways.

#### Amendment

Amend RSA 8:30-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

8:30-a State House Dome Lighting. Notwithstanding any other provision of law, the director shall cause the dome upon the New Hampshire state house, to be illuminated each night from 1/2 hour after sunset to 1:00 a.m., from May 1 through September 30, and from 1/2 hour after sunset to 12:00 midnight, from October 1 through April 30.

HB 876, relative to prior service credit of group I members of the retirement system. Ought to Pass with Amendment. Rep. Trachy for Executive Departments and Administration.

This enabling legislation allows the Retirement System to ascertain how many teachers and state employees in group I would be eligible for prior service credit. An actuarial study is authorized to determine the cost of the prior service credit. Unanimous vote of the Committee.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Study Authorized. The board of trustees of the New Hampshire retirement system is hereby authorized to circulate notice of the possible reopening of prior service credit provisions of the New Hampshire retirement system to certain members of that system or predecessor systems as follows: Each active member of the New Hampshire retirement system group I or each person who is an active member of the New Hampshire teachers retirement system or the employees retirement system of New Hampshire in service on the effective date of this act shall be entitled to file notice on a form prescribed by the board of trustees of all service prior to the date of the establishment of the systems created by RSA 100-A and RSA 192, not otherwise credited, and further provided that such member was an active member of the system created by RSA 192 after July 1, 1950 and prior to July 1, 1967 or an active member of the system created by RSA 100 after



July 1, 1945 and prior to July 1, 1967. Such notice shall be filed with the board of trustees on or before January 1, 1978. An actuarial study shall be prepared by the state actuary to determine the increase in the normal and unfunded accrued liability for such prior service credit as approved by the board of trustees.

HB 626, relative to security deposits and alternative payment plans of public utilities. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Lamy for Commerce and Consumer Affairs.

This bill needs more study to protect the consumer.

HB 1012, relating to licensing masons and bricklayers for the construction of fireplaces. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Lamy for Commerce and Consumer Affairs.

The Committee did not have time to get the information needed to draft a bill at this time. And would like to work on this at a later date.

HB 411, relative to the regulation of security deposit retention by landlords. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Slack for Constitutional Revision.

The Committee voted unanimously to suggest referring this House Bill to interim study. Although this bill is not overly complicated, it is poorly drafted and could have a far-reaching impact that is not within the intent of the bill.

HB 767, establishing actions against landlords for failure to furnish utilities. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Slack for Constitutional Revision.

The Committee voted unanimously in favor of sending this bill to interim study. This House Bill makes a landlord criminally liable and it is felt that we should not impose criminal liabilities to enforce civil remedies. There are other questions that this bill addresses itself to that can only be dealt with by putting it through the scrutiny of interim study.

CACR 14, relating to constitutional amendments on the ballot. Providing that such amendments if they do not pass, may not be considered by the General Court for 3 biennia subject to certain requirements. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Hess for Constitutional Revision.

This proposed amendment addresses a serious problem of the relationship between constitutional amendments proposed by a Constitutional

Convention and those proposed by the General Court. Several other CACRs in our Committee touch on the same problem, and we unanimously agreed that this issue should be studied in depth.

HB 631, relative to appearance and hearing in evictions. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Foley for Constitutional Revision.

This bill deals with a serious and complex problem. The RSA dealing with landlord-tenant relations are outdated and need long study to be revised. The Committee vote was 12-1.

HB 632, relative to tenant responsibility for utilities. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Foley for Constitutional Revision.

This bill deals with a serious and complex problem. The RSA dealing with landlord-tenant relations are outdated and need long study to be revised. The Committee vote was 12-1.

HB 633, relative to method of service in evictions. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Foley for Constitutional Revision.

This bill deals with a serious and complex problem. The RSA dealing with landlord-tenant relations are outdated and need long study to be revised. The Committee vote was 12-1.

HB 634, relative to judgments for landlords in evictions. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Foley for Constitutional Revision.

This bill deals with a serious and complex problem. The RSA dealing with landlord-tenant relations are outdated and need long study to be revised. The Committee vote was 12-1.

HB 635, relative to discretionary stays in evictions. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Foley for Constitutional Revision.

This bill deals with a serious and complex problem. The RSA dealing with landlord-tenant relations are outdated and need long study to be revised. The Committee vote was 12-1.

HB 1009, requiring a school district to pay the portion of special education costs in economic hardship cases not funded by state. Refer to the Committee on Education for Interim Study. Rep. Catherine-Ann Day for Education.

The National Conference of State Legislatures is undertaking a study of all New Hampshire Statutes to be affected by enactment of P.L. 94-142 on September 1, 1977. This study, to be completed in October of 1977, will

be most useful to the Committee in considering this bill. The vote was unanimous, 12-0.

HB 800, relative to reporting induced terminations of pregnancy. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Brody for Executive Departments and Administration.

The Committee felt that additional time was necessary to check the method by which these statistics were gathered and what information would be required. Committee vote was unanimous.

HB 2005, Relative to providing the legislature with an in-depth analysis of the effects of rapid population growth in New Hampshire. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Claflin for Resources, Recreation and Development.

This bill addresses itself to the problems presented by population growth, particularly in southern New Hampshire. If given interim study it should lead to equitable legislation in 1979.

HB 2006, Relating to guiding local communities in developing plans to limit growth. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Claflin for Resources, Recreation and Development.

This bill, in effect a companion to HBI 2005, directs itself to aiding municipalities in their efforts to keep growth orderly and beneficial, rather than disorderly and destructive.

HB 721, relative to the issuance of telephone numbers. Refer to the Committee on Science and Technology for Interim Study. Rep. Taylor for Science and Technology.

The sponsor felt that business or industrial telephone numbers should be held for at least two years before being re-issued to a residential user. The Committee agrees with the intent but feels that administrative remedy should first be sought in view of the fact that PUC regulations already exist pertaining to this matter.

The Committee felt this bill could be held in study long enough to address any statutory remedy which might be required.

HB 891, to establish a study committee to examine the technological, scientific, environmental and economic feasibility and impact of developing and making available hydroelectric power to supply electric energy to the people of New Hampshire. Refer to the Committee on Science and Technology for Interim Study. Rep. Taylor for Science and Technology.

Hydro-power may be an important potential energy alternative and the whole subject needs closer study.

However, the Governor's Commission on Hydro-Electric Energy, established pursuant to Executive Order #76-9, will be issuing its findings May 13 of this year along with recommendations for legislation.

Two members of this Committee have been asked to sit in on future Commission deliberations. In light of this, it was felt that the Legislature should await these findings.

#### COMMITTEE REPORTS (Regular Calendar)

HB 376, establishing special purpose licensing provisions under the electrician's codes. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt the Electricians' Board was taking care of the subject at the present time. The Committee feels there is no need for this legislation. Resolution adopted.

HB 461, relative to the qualifications of alarm installers. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee saw no need of fingerprints of applicants for the purpose of crime prevention. Resolution adopted.

HB 492, relative to Sunday business activities. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt it did not wish to legislate for the whole state on a problem that can best be solved by the cities and towns. Resolution adopted.

HB 696, eliminating the requirement of advertising a lost passbook. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

A majority of the Committee felt that this bill will save consumers the money it takes to advertise lost passbooks while protecting the rights of all parties. Ordered to third reading.

HB 700, extending the time a real estate salesman may not be associated with a broker without losing his license. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This bill will protect unemployed real estate salesmen in that it guarantees that their licenses will remain valid for three years rather than six months while they may be unemployed. Ordered to third reading.

HB 714, amending article 8 of the uniform commercial code relative to the duty of an issuer to inquire into adverse claims. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt this was in the best interest of every one and cuts down on paper work.

Ordered to third reading.

HB 736, relative to control of trust companies by other banking institutions. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee sees no need for this legislation at this time.  
Resolution adopted.

HB 812, establishing an order of distribution of assets of insolvent insurers. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This is in the best interest of insurers.  
Ordered to third reading.

HB 856, relative to the inspection of used motor vehicles offered for sale by retail dealers. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

The Committee feels this will stop deceptive trade practice in sale of used cars.

Rep. Bridges moved that further consideration of HB 856 be indefinitely postponed and spoke to his motion.

Reps. Coburn, Marsh, Laurent Boucher and James Murray spoke in favor of the motion.

Rep. Baker spoke to the bill.

Reps. Rossley, Plourde and Hildreth spoke against the motion.

Rep. Gemmill requested a roll call.  
Sufficiently seconded.

Reps. Daniel Eaton and Tavitian abstained from voting under Rule 16.

(Speaker presiding)  
YEAS 141 NAYS 194  
YEAS 141

BELKNAP: Beard, Marshall French, Lawton, Mansfield, Marsh and James Murray.

CARROLL: Kenneth Smith.

CHESHIRE: Close, Fillback, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Scranton, Slack and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Huggins, Hunt, George Lemire and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Hough, LaMott, Logan, Mann, Pepitone, Rounds and Snell.

HILLSBOROUGH: Ahern, Baker, Bednar, Belanger, Bernier, Wilfrid Boisvert, Brack, Bridges, Burke, Carswell, Coburn, Colson, Joseph Cote, Margaret Cote, Cullity, Catherine-Ann Day, L. Penny Dion, Clyde Eaton, Cort Hansen, Heald, George Healy, Karnis, Armand Lemire, Levesque, Lyons, Marcoux, Martineau, McLaughlin, Miller, Timothy O'Connor, Paradis, Arnold

Perkins, Polak, Quigley, Record, Henry Richardson, Paul Riley, Simard, Sing, Stylianos, Geraldine Watson, Emma Wheeler, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Chandler, Richard Hanson, Polly Johnson, Pratt, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blanchette, Campbell, Connors, Cummings, Cunningham, Davis, Erler, Felch, Beverly Gage, Goff, Gould, Griffin, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Norton, Parolise, Anthony Randall, Richards, Scamman, Skinner and Stratton.

STRAFFORD: Bruce French, Joncas, Maglaras, Maloomian, Meader, Rod O'Connor and Preston.

SULLIVAN: Barrus, Brodeur, Frizzell, Ingram, Scott and George Wiggins.

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BELKNAP: Bowler, Gary Dionne, Michael Hanson, Hildreth, Morin, Kenneth Randall, Sallow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson and Found.

CHESHIRE: Callahan, Chase, Hogan, Krause, Ladd, Lynch, Marshala, Matson, Parker, Margaret Ramsay, Russell, Terry, Vrakatitsis and Terry Wiggins.

COOS: Bradley Haynes, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Crory, Gemmill, Neil McIver, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ainley, Arnold, Aubut, Bosse, Roland Boucher, Brody, Mark Connolly, Corser, Coughlin, Coutermarsh, Crotty, Currier, William Desmarais, Arline Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Howard Humphrey, Kaklamanos, Keefe, Knight, Lachance, LaPlante, Madigan, Martin, McGlynn, Morgan, Morrison, Fred Murray, Normand, O'Neil, Pappas, Pelletier, Peters, Plomaritis, Podles, Seaman, Edward Smith, Leonard Smith, Soucy, St. George, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Welch, James J. White and Ziakas.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Tarr, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Blake, William Boucher, Carpenito, Cutcliffe, Robert Day, Flanagan, Carl Gage, Ganley, Gaskill, Greene, Grieco, Hartford, Hoar, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Pucci, Quimby, Rogers, Rossley, Sanborn, Schwaner, Alreda Smith, Webster, Helen Wilson, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lefavour, Lessard, Morrisette, Nadeau, Osgood, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Desnoyer, Gray, LeBrun, Lewko, Lucas, Palmer, Spaulding and Sara Townsend, and the motion lost.

Ordered to third reading.

Rep. Head wished to be recorded in favor of HB 856.

Rep. Marshall French moved that debate be limited to one-half hour equally divided on all bills.

Adopted.

HB 890, requiring all registered barbers to attend seminars. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt that if barbers want to go to seminars it is up to them to make that choice.

Rep. Dearborn spoke against the committee report.

Rep. Crory explained the committee report.

Resolution adopted.

HB 985, relative to the sale of meat food products. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee does not see any reason for meat cutters to cut meat in full view of any customer.

Rep. Seamans moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Crory spoke against the motion.

Rep. Seamans requested a roll call. Sufficiently seconded.

Rep. Hebert abstained from voting under Rule 16.

(Speaker presiding)

YEAS 42 NAYS 267

YEAS 42

BELKNAP: None  
CARROLL: None.

CHESHIRE: Callahan, Marshala, Matson, Slack and Whipple.

COOS: Bradley Haynes and Hunt.

GRAFTON: Buckman, Dearborn and Glyneta Thomson.

HILLSBOROUGH: Bednar, Belanger, Bernier, Joseph Cote, Cullity, William Desmarais, Gabrielle Gagnon, Head, LaPlante, Marcoux, Morrison, Henry Richardson, Seamans, St. George and Wallin.

MERRIMACK: None.

ROCKINGHAM: Barka, Blake, Davis, Felch, Gaskill, Goff, Hoar, Kashulines, Joseph McEachern, Parolise, Anthony Randall, Schwaner and Stratton.

STRAFFORD: Donnelly.

SULLIVAN: Brodeur and Ingram.

NAYS 267

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Marsh, Morin, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard and Kenneth Smith.

CHESHIRE: Chase, Close, Fillback, Galloway, Anne Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Parker, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis and Terry Wigin.

COOS: Burns, Cooney, Fortier, Horton, Huggins, Oleson, Patenaude, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, George Cate, Chambers, Copenhaver, Crory, Duhaime, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Baker, Wilfrid Boisvert, Bosse, Brack, Bridges, Brody, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Catherine-Ann Day, L. Penny Dion, Drewniak, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Heald, George Healy, Howard Humphrey, Keefe, Knight, Lachance, Lamy, Armand Lemire, Levesque, Lyons, Madigan, Martineau, McGlynn, McLaughlin, Miller, Morgan, Fred Murray, Nemzoff-Berman, Normand, Timothy O'Connor, O'Neil, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Paul Riley, Simard, Edward Smith, Leonard Smith, Soucy, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.



MERRIMACK: Bellerose, Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Plourde, Pratt, Ralph, Rice, Rich, Gerald Smith, Tarr, Doris Thompson, Trachy, Ernest Valalieri and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Bisbee, Blanchette, William Boucher, Campbell, Collins, Connors, Cummings, Cunningham, Cutliffe, Robert Day, Flanagan, Beverly Gage, Ganley, Gould, Greene, Grieco, Griffin, Hartford, Kane, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Norton, O'Keefe, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Skinner, Alfreda Smith, Stimmell, Webster, Helen Wilson, Wojnowski, Wolfesen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Bruce French, Charles Grassie, James Herchek, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Desnoyer, Gray, LeBrun, Lucas, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Resolution adopted.

HB 1107, relative to the records kept by persons licensed to sell antiques or used goods. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee feels that sellers of antiques are keeping records on their antiques or used goods at this time and are doing a good job. Resolution adopted.

SB 99, relative to supervision of bail bondsmen by the insurance commissioner. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt that this would make it easy for everyone, the courts, bail bondsmen, and the consumer. Referred to Appropriations.

HB 747, relative to shortening the waiting period required for marriage. Inexpedient to Legislate. Rep. Slack for Constitutional Revision.

The Committee voted by a margin of 10 to 2 that this bill be found inexpedient to legislate. The testimony concerning this legislation was very weak and did not convince the Committee of any need to change the existing statute.

Rep. Brody moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Slack, Morrison, George Wiggins and Ingram spoke against the motion.

Reps. Bridges, Mabel Richardson and Coutermarsh spoke in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 120 NAYS 178  
YEAS 120

Belknap: Gary Dionne, Hildreth, Marsh, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Dickinson, Howard and Kenneth Smith.

CHESHIRE: Chase, Krause, Lynch, Margaret Ramsay, Russell, Terry and Whipple.

COOS: Burns, Cooney, Hunt, Patenaude, Mabel Richardson, Alcide Valliere and Neila Woodward.

GRAFTON: Chambers, Copenhagen, Logan, Neil McIver, Pepitone, Stomberg, Taffe and Ward.

HILLSBOROUGH: Ahern, Belanger, Bridges, Brody, Burke, Colson, Mark Connolly, Coutermarsh, Catherine-Ann Day, L. Penny Dion, Drewniak, Nancy Gagnon, Girolimon, Cort Hansen, Head, George Healy, Keefe, Knight, Lachance, Lamy, Madigan, Miller, Fred Murray, Normand, Timothy O'Connor, O'Neil, Paradis, Podles, Paul Riley, Simard, Soucy, Stylianos, Wallin, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Packard, Plourde, Pratt, Rice, Gerald Smith, Stefanides and Trachy.

ROCKINGHAM: Barka, Blake, Blanchette, William Boucher, Davis, Robert Day, Beverly Gage, Ganley, Gould, King, Krasker, Donna McEachern, Quimby, Anthony Randall, Richards, Rossley, Scamman, Schwaner, Splaine, Stratton, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Belhumeur, Bruce French, Charles Grassie, Hebert, James Herchek, Horrigan, Kelly, Kincaid, Lessard, Maglaras, Maloomian, Rod O'Connor, Preston, Dennis Ramsey, Sackett and Shirley White.

SULLIVAN: Sara Townsend.

NAYS 178

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson, Lawton and Morin.

CARROLL: Clafin and Found.

CHESHIRE: Callahan, Close, Fillback, Galloway, Anne Gordon, Hogan, Elmer Johnson, Ladd, Marshala, Matson, Parker, Scranton, Slack, Vrakatisis and Terry Wiggin.

COOS: Fortier, Horton, Huggins, George Lemire, Oleson, Theriault, Willey, Wiswell and York.

GRAFTON: Aldrich, Buckman, George Gate, Dearborn, Duhaime, Myrl Eaton, Gemmill LaMott, McAvoy, Rounds, Snell, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ainley, Baker, Bednar, Bernier, Wilfrid Boisvert, Bosse, Carswell, Coburn, Corser, Joseph Cote, Margaret Cote, Coughlin, Cullity, William Desmarais, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinas, Granger, Sal Grasso, Heald, Howard Humphrey, LaPlante, Armand Lemire, Levesque, Lyons, Marcoux, Martineau, McGlynn, McLaughlin, Morgan, Morrison, Nemzoff-Berman, Arnold Perkins, Peters, Plomaritis, Polak, Quigley, Henry Richardson, Seamans, Edward Smith, Leonard Smith, St. George, Francis Sullivan, Kevin Sullivan, Van Loan, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Bellerose, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, Mullin, Pelton, Ralph, Rich, Tarr, Doris Thompson, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Bisbee, Campbell, Connors, Cunningham, Cutcliffe, Erler, Felch, Flanagan, Gaskill, Goff, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, Laycock, Lovejoy, Joseph MacDonald, Maynard, Nelson, Niebling, Norton, O'Keefe, Parolise, Pucci, Rogers, Sanborn, Skinner, Alfreda Smith, Stimmell and Wolfsen.

STRAFFORD: Appleby, Canney, Donnelly, Joncas, Joos, Lefavour, Meader, Nadeau Osgood, Schreiber, Donald Smith, Tripp, Valley, Voll and Allen Wilson.

SULLIVAN: Barrus, Desnoyer, Gray, Ingram, LeBrun, Lucas, Scott, Spaulding, Tucker and George Wiggins, and the motion lost.  
Resolution adopted.

Rep. Trachy informed the clerk that he inadvertently voted Yea and meant to vote Nay.

Reps. Crory, Burchell, Bradley Haynes, Ira Allen and Harold Thomson wished to be recorded against the substitute motion, Ought to Pass on HB 747.

HB 817, relative to privileged communications between religious leaders and penitents. Ought to Pass. Rep. George Wiggins for Constitutional Revision.

The Constitutional Revision Committee finds HB 817 as ought to pass. There is reason for passage as we have passed similar legislation between doctors and their patients.  
Ordered to third reading.

HB 847, repealing provisions relative to depositing wills with the register of probate. Ought to Pass. Rep. Foley for Constitutional Revision.

This bill would cut down on the amount of paper work and some of the costs that face the Registers of Probate. Vote of Committee was unanimous.  
Ordered to third reading.

HB 857, eliminating the need for legal seals on summonses, subpoenas, deeds and conveyances. Ought to Pass. Rep. Foley for Constitutional Revision.

A simple bill that does away with the small legal seals. Only three states still require them. If wanted, people can still use the seals, but they are archaic and should not be required.  
Ordered to third reading.

HB 1002, requiring cooperative school districts to ascertain costs to each pre-existing district based on a portion of the equalized valuation of property in said pre-existing district and not on the number of students. Refer to the Committee on Education for Interim Study. Rep. Henry Richardson for Education.

The bill raises significant points, but creates more problems than it would solve. The committee hopes through interim study to arrive at equitable solutions. Vote was 15-1.  
Adopted.

HB 1007, relative to teaching sex education in public schools. Inexpedient to Legislate. Rep. William Boucher for Education.

A law is not necessary. Local School Board policy by law sets curriculum and educational standards. The Committee supports home rule. Vote was 13-0.  
Resolution adopted.

HB 1008, relative to the confidentiality of certain pupil information. Inexpedient to Legislate. Rep. Henry Richardson for Education. Until federal regulations are clarified, enactment of state laws will only confuse an already complicated situation.  
Resolution adopted.

HB 1113, permitting the withdrawal of a pre-existing district from a cooperative school district. Ought to Pass. Rep. Keefe for Education.

At present, there is no way by which a member can withdraw from a cooperative school district. This bill would establish an orderly procedure for withdrawal; including State Board approval, and a majority of voters of the withdrawing district. Vote was 15-0.

Ordered to third reading.

HB 1115, concerning AREA schools incurring indebtedness. Ought to Pass with Amendment. Rep. Taffe for Education.

This bill modifies procedures regarding receiving and sending districts in AREA agreements, clarifying circumstances of withdrawal. Committee vote was 13-2.

#### Amendment

Amend RSA 195-A:14, VI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VI. Notwithstanding any other provisions of this chapter, if a receiving district has voted subsequent to the date of operating responsibility to approve a bond issue for construction of new facilities or additions to an area school, a sending district may vote within 45 days of the vote of the receiving district approving the bond issue to approve being further obligated to or to terminate its association in the area plan, such termination to take effect subsequent to the full payment of all previously agreed upon bonded indebtedness, including the original bonded indebtedness incurred in the formation of commencing the existence of the area school district. The vote to approve or disapprove further participation of the sending district shall be taken by secret ballot at an annual or special meeting of the sending district. The article in the warrant for such district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

"Shall we, the sending district agree to be obligated for further bonded indebtedness approved by the school district, the receiving district?"

Yes

No

If 2/3 of the voters present and voting vote in the negative, the sending district shall be deemed to have voted to withdraw from the area school district upon the expiration of all previously existing approved debt. Until that time, the withdrawing district shall be required to pay a per pupil rental charge based on the formula in the AREA agreement.

Amendment adopted.

Ordered to third reading.

HB 197, exempting certain towns from the prohibition against burning refuse in an open pit. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

HB 197, as amended, allows and encourages the Air Pollution Commission to give an extension to continue open burning beyond July, 1977 to a town, when actual monitoring, or acceptable modeling, shows there will be no violation of the ambient air quality standard for the region.

All other bills extending the time limit for open burning are being reported as inexpedient. The Committee feels the problem is adequately and properly covered by HB 197 as amended.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to open pit burning in towns of less than 2,500 population.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Towns of 2,500 or Less Population. Notwithstanding the provisions of RSA 125:83, relating to variances, the air pollution commission is hereby authorized, following a public hearing, to extend the time limits established in its regulations for elimination of burning dumps in towns of less than 2,500 population, in accordance with the requirements of this act. No such extensions granted hereunder shall be in force unless and until it is approved by the U.S. Environmental Protection Agency, pursuant to the requirements of the Clean Air Act. An extension may be granted to a town, or to a group of towns comprising a regional refuse disposal district, where the commission is able to find that, based upon actual monitoring data, or upon acceptable modeling in cases where adequate data does not exist, continued burning for the period encompassed by the extension will not result in a violation of any ambient air quality standard in force in the region, and will not cause a nuisance or continue an existing nuisance. Any extension granted may be conditional, and shall contain a compliance schedule for eventual elimination of open burning in the town or towns with respect to which the extension is granted.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Snell spoke to the committee report.

Rep. Greene yielded to questions. Ordered to third reading.

HB 240, exempting certain towns from the prohibition against burning refuse in an open pit. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

Covered by HB 197. Vote in Committee 18-0.

Resolution adopted.

HB 729, extending the time certain towns have to meet the air pollution control act relative to burning refuse in an open pit. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

Covered by HB 197. Vote was 18-0. Resolution adopted.

HB 852, relative to continuing open dump burning in small towns. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

Covered by HB 197. Vote was 18-0.  
Resolution adopted.

HB 1012, to extend the deadline for eliminating burning dumps in certain towns. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.  
Covered by HB 197. Vote was 18-0.  
Resolution adopted.

HB 623, relative to reporting of collateral resources by a welfare recipient and persons liable for support of a dependent child or of a welfare recipient. Ought to Pass with Amendment. Rep. Fred Murray for Health and Welfare.

This bill requires that welfare recipients report changes in resources within five working days rather than fifteen days as is presently required by law. Committee voted 14-0.

#### Amendment

Amend the introductory paragraph of RSA 167:17 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

The following persons shall report the receipt of any property, wages, income or resources of any kind, or changes of any kind that would affect the amount of assistance for which a person is eligible for welfare, to the director of the division of welfare in writing within 5 working days after receiving such property, wages, income or resources:

Amendment adopted.

Ordered to third reading.

HB 624, relative to the maintenance and care of a child voluntarily placed with an agency by the town in which the child resides. Inexpedient to Legislate. Rep. Blanchette for Health and Welfare.

The Committee voted inexpedient for the following reasons: It would add more financial burden on the local communities. Under the Title XX Program it already allows a child to go into an alternative situation.  
Vote was 11-2.  
Resolution adopted.

HB 923, excluding a certain amount of land around a residence from current use treatment. Refer to the Current Use Advisory Board for recommendation. Rep. Rogers for Environment and Agriculture.

Committee recognizes the local assessors have difficulties in some instances, but feel the Current Use Advisory Board is well aware of the fact and may already have or be working on a solution.

Rep. Greene moved that HB 923 be referred to the committee on Environment and Agriculture for Interim Study.  
Adopted.

The Speaker requested a quorum count, and withdrew his request.

HB 643, relative to the qualifications for licensing of chiropractors. Majority: Inexpedient to Legislate; Rep. Madeline Townsend for Health and Welfare. Minority: (Reps. Blanchette, Nighswander and Knight) Ought to Pass with Amendment.

Majority: The Committee recommends this bill inexpedient to legislate. It was determined after lengthy testimony, that the controversy is among the chiropractic profession and that this bill would serve to eliminate practicing "straight" chiropractor in New Hampshire. The purpose of the bill is to require that anyone practicing chiropractic in New Hampshire must have completed a 4000 hour course of study accredited by the Council of Chiropractic Education, C.C.E., which represents the "mixer" faction of the profession. While the grandfather clause allows straight chiropractic to be practiced in New Hampshire, if a student enters a straight chiropractic school that is not accredited by the C.C.E. they would not be able to practice in New Hampshire.

Minority: The minority feels that this bill ought to pass with amendment. New Hampshire would then be in line with forty-two other states which have mandated that in order to be licensed, chiropractors must have graduated from colleges accredited by the Council on Chiropractic Education. Presently, twelve of thirteen chiropractic colleges in the county meet this standard. The accrediting process has been approved by the United States Office of Education, which is part of H.E.W., and is supported by the American Chiropractic Association which represents 80% of the practicing chiropractors in the country. The amendment would correct a printing error in the bill and would "grandfather in" the fourteen New Hampshire students who are currently attending the one college in the country which is not accredited by the C.C.E.

HB 643 requires that chiropractors practicing in New Hampshire meet modern day standards of training.

Rep. Knight moved that the Minority report, Ought to Pass with Amendment, be substituted for the Majority report, Inexpedient to Legislate, and spoke to her motion.

Reps. Madeline Townsend, Spaulding and Lynch spoke against the motion.

Reps. Blanchette, Scamman, Rossley, Lawton, Coutermarsh, Marshall French and Spirou spoke in favor of the motion.

Rep. Bridges moved the previous question. Sufficiently seconded. Adopted.

Rep. Marshall French requested a roll call. Sufficiently seconded.



Rep. Sing abstained from voting under Rule 16.

(Speaker presiding)  
YEAS 217 NAYS 123  
YEAS 217

BELKNAP: Beard, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Marsh, James Murray, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Found and Howard.

CHESHIRE: Chase, Close, Daniel Eaton, Krause, Ladd, Marshalla, Matson, Margaret Ramsay, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggin.

COOS: Burns, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Patenaude, Poulin, Mabel Richardson, Alcide Valliere, Willey and Neila Woodward.

GRAFTON: Ira Allen, George Cate, Chambers, Myrl Eaton, Gemmill, Hough, LaMott, Neil McIver, Pepitone, Snell, Taffe and Ward.

HILLSBOROUGH: Ahern, Arnold, Baker, Bednar, Belanger, Bernier, Emile Boisvert, Bosse, Roland Boucher, Bridges, Brody, Burke, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, L. Penny Dion, Dreniak, Dupont, Nancy Cagnon, Celinas, Sal Grasso, Cort Hansen, Head, Howard Humphrey, Kalamanos, Knight, Lachance, Lam, Lyons, Martin, McLaughlin, Miller, Morgan, Morrison, Normand, Timothy O'Connor, O'Neil, Pappas, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Seamans, Simard, Edward Smith, Leqnard Smith, Soucy, Spirow, Stylianos, Francis Sullivan, Kevin Sullivan, Van Loan, Wallace, Wallin, Welch, Emma Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Foley, Gamache, Richard Hanson, Hess, James Humphrey, LaBonte, Donna MacIvor, McNichol, Pelton, Arthur Perkins, Plourde, Pratt, Rice, Rich, Doris Riley, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Aller, Barka, Bisbee, Blake, Blanchette, William Boucher, Carpenito, Connors, Cutliffe, Robert Day, Erler, Carl Gage, Ganley, Greene, Hoar, Kashulines, King, Krasker, Laycock, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Norton, O'Keefe, Parolise, Quimby, Richards, Rogers, Rosslee, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Webster, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Jocas, Kelly, Lefavour, Lessard, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Preston, Dennis Ramsey, Sackett, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Ingram, Scott and Sara Townsend.

NAYS 123

BELKNAP: Bowler, Morin and Kenneth Randall.

CARROLL: Claflin, Dickinson and Kenneth Smith.

CHESHIRE: Callahan, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Lynch, Parker, Russell and Whipple.

COOS: Cooney, Huggins, Oleson, Theriault, Wiswell and York.

GRAFTON: Buckman, Clark, Copenhaver, Crory, Dearborn, Duhaime, Logan, Mann, Rounds, Stomberg, Glynetta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ainley, Aubut, Wilfrid Boisvert, Carswell, Coburn, Colson, Arline Dion, Clyde Eaton, Joseph Eaton, Girolimon, Granger, Heald, Daniel Healy, George Healy, Karnis, Keefe, LaPlante, Armand Lemire, Levesque, Madigan, Martineau, McGlynn, Fred Murray, Nemzoff-Berman, Paradis, Pelletier, Henry Richardson, St. George, Sweeney, Harold Thomson, Geraldine Watson and Robert Wheeler.

MERRIMACK: Bellerose, Blakeney, Milton Cate, Chandler, Eugene Daniell, Polly Johnson, Kidder, Mullin, Packard, Ralph, Shepard Tarr and Wiviott.

ROCKINGHAM: Akerman, Benton, Campbell, Cummings, Davis, Flanagan, Beverly Gage, Gaskill, Goff, Gould, Grieco, Griffin, Hartford, Kane, Lovejoy, Maynard, Niebling, Pucci, Sanborn, Tavitian and Helen Wilson.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Joos, Kincaid, Maglaras, Osgood and Donald Smith.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Frizzell, Gray, LeBrun, Lewko, Lucas, Spaulding, Tucker and George Wiggins, and the motion passed.

Rep. Cotton wished to be recorded in favor of the motion, Ought to Pass with Amendment.

Rep. Gabrielle Gagnon wished to be recorded against the motion, Ought to Pass with Amendment.

## Amendment

Amend RSA 316:9 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

316:9 Fees; Qualification. Each applicant shall pay to the secretary-treasurer a fee of \$35, for which he shall be entitled to an examination and to a re-examination, if necessary, within one year. He shall submit to said board satisfactory evidence of a high school education, or its equivalent, shall be at least 18 years of age, of good moral character, a citizen of the United States or a Canadian province in which a like privilege is granted to citizens of the United States, and a graduate of a legally chartered or incorporated school or college of chiropractic having status with the council on chiropractic education, or its successor, as a resident student therein. Any student matriculating before January 1, 1978 shall be exempt from the provisions of this chapter.

Amendment adopted.

Ordered to third reading.

HB 781, to require notice of application for, or modification of, general assistance to be given to the municipality of settlement. Ought to Pass with Amendment. Rep. Helen Wilson for Health and Welfare.

A gentleman's agreement presently exists between the towns, cities and counties whereby any town expending funds for general assistance to a recipient with legal settlement in another town, the legal settlement will be notified and are responsible for those funds. This bill clarifies the present course of action by making it a statutory requirement. A five day limit for notification to the legal settlement is included.

## Amendment

Amend RSA 165-A:6, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Any town, city or county which grants assistance under RSA 165 or 166 to a person who has a legal settlement in another town or city in this state shall notify the town or city of settlement of the receipt of the application for assistance and of any modification of assistance so granted. The notice required by this paragraph shall be given to the overseer of public welfare in the town or city of settlement no later than 5 days (excluding Saturdays, Sundays and legal holidays) after receipt of the application or the effective date of the modification.

Amendment adopted.

Ordered to third reading.

HB 790, relative to cancer drug therapy. Majority: Ought to Pass. Rep. Eugene Daniell for Health and Welfare. Minority (Reps. Knight, Blanchette, Gaskill and Helen F. Wilson): Inexpedient to Legislate.

Majority: A majority of the Committee felt that no victim of cancer should be denied access to an admittedly harmless substance whether or not it is an actual cure. Vote was 9-6. Minority: Laetrile has an unproven method of treatment in double blind studies and has not been shown to be effective in cancer treatment. It has never been proven to have any effect on any animal or human with established cancer. The effect of building false hope and then having it shattered can be devastating to a family facing a difficult situation. If given instead of conventional treatment of course, then definite harm would ensue.

Rep. Knight moved that the Minority report, Inexpedient to Legislate, be substituted for the Majority report, Ought to Pass, and spoke to her motion.

Reps. Eugene Daniell, Joseph Cote and Copenhaver spoke against the motion.

Reps. Blanchette, Helen Wilson and Gaskill spoke in favor of the motion.

Rep. Elmer Johnson spoke against the motion and yielded to questions.

Rep. Spaulding moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 85 NAYS 254

YEAS 85

BELKNAP: Gary Dionne and Hildreth.

CARROLL: Found.

CHESHIRE: Close, Daniel Eaton, Hogan, Krause and Margaret Ramsay.

COOS: Bradley Haynes, Horton, Alcide Valliere, Willey and Neila Woodward.

GRAFTON: Chambers, Crory, Gemmill, Hough, Neil McIver, Taylor and Ward.

HILLSBOROUGH: Ahern, Emile Boisvert, Roland Boucher, Brody, Carswell, Colson, Margaret Cote, William Desmarais, Girolimon, Cort Hansen, Head, Kaklamanos, Knight, Martin, Nemzoff-Berman, Pelletier, Plomaritis, Podles, Leonard Smith, Soucy, St. George and M. Arnold Wight.

MERRIMACK: Bibbo, Blakeney, Laurent Boucher, Carroll, Foley, Hess, Kidder LaBonte, McLane, McNichol, Packard, Pelton, Doris Riley and Stefanides.

ROCKINGHAM: Akerman, Benton, Blanchette, Campbell, Carpenito, Davis, Erler, Gaskill, Laycock, Joseph MacDonald, Niebling, Alfreda Smith, Stimmell, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, Dianne Herchek, Horrigan, Meader, Nadeau, Osgood, Sackett, Donald Smith, Tripp, Valley and Voll.

SULLIVAN: Frizzell, Palmer and Spaulding.

NAYS 254

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson, Lawton, Mansfield, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickson and Howard.

CHESHIRE: Callahan, Chase, Fillback, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Ladd, Lynch, Marshala, Matson, Parker, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Cooney, Fortier, Huggins, Hunt, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Copenhaver, Dearborn, Duhaime, Myrl Eaton, LaMott, Logan, Mann, Pepitone, Rounds, Snell, Stomberg, Taffe, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ainley, Arnold, Aubut, Baker, Bednar, Belanger, Bernier, Wilfrid Boisvert, Bosse, Bridges, Burke, Coburn, Mark Connolly, Corser, Joseph Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Heald, Daniel Healy, George Healy, Howard Humphrey, Karnis, Keefe, Lachance, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Martineau, McGlynn, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Normand, Timothy O'Connor, O'Neil, Pappas, Paradis, Arnold Perkins, Peters, Polak, Quigley, Record, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Edward Smith, Stylianos, Francis Sullivan, Kevin Sullivan, Sweeney, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bodi, John Cate, Milton Cate, Chandler, Eugene Daniell, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Donna MacIvor, Mullin, Arthur Perkins, Pratt, Ralph, Rice, Rich, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Barka, Bisbee, Blake, William Boucher, Connors, Cotton, Cummings, Cunningham, Cutliffe, Robert Day, Flanagan, Beverly Gage, Carl Gage, Ganley, Goff, Gould, Greene, Grieco,

Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Lovejoy, Maynard, Donna McEachern, Joseph McEachern, Nelson, Norton, O'Keefe, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Schwaner, Skinner, Spaine, Tavitian, Webster and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Bruce French, Charles Grassie, Hebert, James Herchek, Joncas, Joos, Kelly, Kincaid, Lefavour, Maglaras, Maloomian, Morrisette, Preston, Dennis Ramsey, Schreiber, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lucas, Sara Townsend and Tucker, and the motion lost.

Question being on the Committee report, Ought to Pass.

Ordered to third reading.

HB 387, establishing the police standards and training council training fund to consist of penalty assessments imposed in certain criminal cases. Refer to the Supreme Court for an Advisory Opinion. Rep. Arthur Perkins for Judiciary.

The bill has substantial merit but the constitutionality of same is in doubt. The majority of the Committee (13-2) recommends the House seek advisory opinion from the Supreme Court before taking a committee position. The Committee submits the Resolution requesting the opinion as part of the report.

Rep. Arthur Perkins yielded to questions.

Referred to the Supreme Court for an Advisory Opinion.

The House Judiciary committee offered a Resolution.

HOUSE RESOLUTION NO. 38  
requesting an opinion of the justices of the supreme court relative to the constitutionality of House Bill 387.

WHEREAS, House Bill 387, an act establishing the police standards and training council fund to consist of penalty assessments imposed in certain criminal cases, is before the House for consideration; and

WHEREAS, House Bill 387 levies a penalty assessment of \$2 or 10 percent, whichever is greater, on each fine, penalty or forfeiture imposed by the court for a criminal offense, with certain exceptions; and

WHEREAS, House Bill 387 provides that the clerk of each court shall collect all penalty assessments and shall transmit such assessments monthly to the police standards and training council for deposit with the state treasurer in the police standards and training fund; and

WHEREAS, House Bill 387 states that if the court determines that payment of all or any part of the penalty assessment

would work a hardship on the person convicted or his immediate family, the court may suspend the payment of all or any part of the assessment; and

WHEREAS, a question has arisen as to the constitutionality of House Bill 387; now, therefore, be it

RESOLVED by the House of Representatives

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following questions:

I. Is the penalty assessment imposed by House Bill 387 a tax within the meaning of part 2, Articles 5 and 6 of the constitution of New Hampshire?

II. Is the class to be taxed under House Bill 387 a permissible class under part 2, Articles 5 and 6 of the constitution of New Hampshire?

III. Would the penalty assessment imposed by House Bill 387 be an excessive fine or disproportional to the offense within the meaning of part 1, Article 18 of the constitution of New Hampshire?

IV. Does any part of House Bill 387 violate part 1, Article 18; part 1, article 33rd; part 2, Article 5; part 2, Article 6 or any other provision of the constitution of New Hampshire?

Be It Further Resolved, that the clerk of the House of Representatives transmit seven copies of this resolution to the Justices of the Supreme Court along with copies of the bill.

The Assistant Clerk read the Resolution.

Adopted.

HB 710, relative to the payment of legal fees in appeals against the department of employment security; and increasing the appeal period. Ought to Pass with Amendment. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Under present law if a claimant is denied benefits by an employment security appeal tribunal and he appeals the decision to the Superior Court and is awarded benefits, the claimant is held responsible to pay court and attorney fees. The Committee felt that this was an unreasonable burden placed on the claimant who was found to justly deserve the benefits in the first place. The bill, as amended, will provide payment of these fees from the unemployment compensation and employment service administration fund without interest and the appeal process will remain at the present fifteen days.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
relative to the payment of legal fees in appeals against the department of employment security.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Certain Fees Assessed. Amend RSA 282:13 by inserting after paragraph D the following new paragraph:

E. Costs and Attorney Fees. In any dispute over the amount of benefits payable under this chapter which is appealed by the claimant or the department of employment security to any court, the claimant, if he prevails in whole or in part, shall be entitled to reasonable counsel fees, witness fees and other necessary expenditure, all as approved by the court. Said fees and expenditures shall be paid by the department of employment security out of the unemployment compensation and employment service administration fund.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

Rep. Orcutt wished to be recorded in favor of the committee report.

HB 884, relative to the payment of wages to an employee who reports to work at the request of his employer. Ought to Pass. Rep. Skinner for Labor, Human Resources and Rehabilitation.

The Committee voted unanimously in favor of this bill which requires an employer who requests an employee to report for work during unscheduled hours to pay the employee no less than two hours pay at his regular rate of pay. This will compensate for the inconvenience of an employee who reports to work and finds he is only needed for a short amount of time. Ordered to third reading.

Rep. Orcutt wished to be recorded in favor of the committee report.

HB 927, eliminating the state university system study committee. Inexpedient to Legislate. Rep. Martin for Legislative Administration.

The Committee felt that this state university study committee has provided an opportunity for better relations between the Legislature and faculty of the University System. It believes that this Committee has played a beneficial role on behalf of the Legislature and it is recommended that the Legislature continue to provide this mechanism.

Rep. Gary Dionne moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Vrakatis and Chambers spoke in favor of the motion.

Rep. Lyons spoke against the motion.

Rep. Chandler moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Resolution adopted.



Rep. Bednar requested a quorum count.  
The Speaker declared a quorum present.

HB 1051, naming the James E. O'Neil, Sr., legislative office building. Inexpedient to Legislate. Rep. Wallin for Legislative Administration.

Although there is great admiration for former Speaker O'Neil among Committee members and members of the Legislature, it is the feeling of the committee that since many people were involved in the creation of the Legislative Office Building over a period of years, to single out one person would be unfair to the others. Resolution adopted.

HB 208, relative to public hearings on variances of zoning regulations. Ought to Pass with Amendment. Rep. Callahan for Municipal and County Government.

The intent of this bill is to more clearly define who should be notified for public hearings on variances by clarifying the definition of the word "abutter." The amendment affects only the mechanics - making the bill more workable.

#### Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Notice to Abutters. Amend RSA 31:71, I (a) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(a) The appellant and all the abutters shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. For the purpose of this subparagraph, "abutter" means one whose property abuts, is contiguous, or joins at a border to the subject parcel.

Amendment adopted.  
Ordered to third reading.

HB 209, relative to the procedures of the board of adjustment and the planning boards. Inexpedient to Legislate. Rep. Callahan for Municipal and County Government.

The Committee feels the intent of this bill has been covered by HB 208. Resolution adopted.

HB 497, relative to the distribution of dog license fees and making an appropriation therefor. Ought to Pass. Rep. Callahan for Municipal and County Government.

This bill does two things. First, it justifiably increases the amount of dog license fees retained by the town clerk for the first time since 1891. Secondly, the bill proposes to earmark another 50¢ of those fees to be turned over to the State Treasurer to help

fund the Veterinary Diagnostic Lab - a move that could save the state money by helping to make the lab self-supporting.

Rep. Bridges offered an amendment.

#### Amendment

Amend RSA 466:9, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

1. Clerks of the towns and cities shall issue said licenses, receive the money therefor and pay the same into the treasuries of their respective towns and cities on or before June first each year, retaining to their own use 20 percent for each license and submitting 50 cents for each license to the state treasurer for the purpose specified in paragraph II. The clerks shall return to their respective town or city treasurer a sworn statement of the amount of moneys thus received and paid over by them.

The Assistant Clerk read the amendment.  
Amendment adopted.  
Referred to Appropriations.

HB 756, relative to acceptance of petitions by the planning board. Ought to Pass with Amendment. Rep. Callahan for Municipal and County Government.

This bill is intended to set a time limit for accepting petitions for proposed zoning changes to insure adequate time for hearing prior to the town meeting. The amendment insures that hearing procedures are in compliance with existing law.

#### Amendment

Amend RSA 36:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

36:8 Organization, Meetings and Rules. The planning board shall elect its chairman from the appointed or elected members and create and fill such other offices as it may deem necessary for its work. The term of chairman shall be one year, with eligibility for re-election. The planning board of a city shall hold at least one regular meeting in each month and the planning board of a town or village district shall hold at least one regular meeting every 3 months; provided, however, a town planning board shall meet 60 days before the town meeting date to accept petitions for zoning and building code changes. Following receipt of the petitions for zoning and building code changes, 60 days before town meeting, the planning board shall post the first hearing immediately and subsequent hearing pursuant to the procedure as specified in RSA 31:63-a. The planning board shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations.

Amendment adopted.  
Ordered to third reading.

HB 778, repealing the debt limitation for the Nashua school district and changing the debt limitation for the city of Nashua to an aggregate of 6 percent. Ought to Pass with Amendment. Rep. Richard Hanson for Municipal and County Government.

The City of Nashua supports this bill to reduce its debt limitation to a more responsible figure. The amendment, offered by the City Treasurer, is to insure the most equitable distribution of bonds given the new limitation.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

reducing the debt limit of the city of Nashua.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Debt Limitation. Notwithstanding the provisions of RSA 33:4-a the city of Nashua shall not incur net indebtedness at any one time outstanding for school purposes to an amount exceeding in the aggregate 6 percent of its last assessed valuation as computed under RSA 33:4-b and for all other purposes, to an amount exceeding the aggregate of 2 percent of its last assessed valuation as computed under RSA 33:4-b, provided however, that in ascertaining the amount of such debt so it be compared with said 6 percent and 2 percent, indebtedness lawfully incurred outside of said limit shall not be considered.

2 Repeal. 1923, 227:1 and 1969, 619:1 relative to the debt limitation for the city of Nashua and the Nashua school district are hereby repealed.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 851, relative to the use of privately purchased telephones on the existing telephone system. Ought to Pass with Amendment. Rep. Taylor for Science and Technology.

The increasing use of privately-owned residential telephone equipment, connected to the telephone company's system, is presently being addressed at the United States Circuit Court level as well as in legislation before the Congress.

This bill is intended to clarify that such use of private telephones shall not constitute "a criminal theft of services" as provided in RSA 637:8. This is consistent with action taken by the General Court in 1973 whereby it repealed RSA 580:1-a which had made it illegal to connect privately-owned equipment.

The Committee amendment provides that private telephone equipment which is already registered with the New Hampshire Public Utilities Commission need not be fitted with protective interconnecting devices and that if the phone company quotes from the statutes, in the publication of its directory, it be required to print the entire law verbatim.

#### Amendment

Amend RSA 637:8, IV, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

IV. This section shall not apply to the attachment of private equipment to residential telephone lines unless the telephone company can prove that the attached equipment will cause direct harm to the telephone system. Attached equipment which is registered with the public utilities commission shall not require a protective interconnecting device. If the telephone company cites this section in its directories or other customer informational material, said company shall duplicate the entire section verbatim therein.

Amendment adopted.

Rep. Chandler moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

#### Point of Order

Rep. Benton rose on a point of order. Question being should Rule 29 not be enforced in this instance

On a voice vote the Speaker was in doubt and requested a division.

200 members having voted in the affirmative and 109 in the negative, the motion passed.

The Speaker recognized Rep. Chandler to continue.

Reps. Taylor and James Murray spoke against the motion.

Rep. Tucker moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Ordered to third reading.

Rep. Orcutt wished to be recorded in favor of the Committee report.

HB 879, prohibiting telephone companies from charging a toll for any call placed to another phone within the geographical boundaries of a town. Ought to Pass. Rep. Taylor for Science and Technology.

This bill addresses what one sponsor termed the "de facto redrawing of community boundaries by the telephone company." Telephone users are often required to pay a toll on calls made within their own town and even, on occasion, to their next door neighbor. The Committee was advised that it is technically possible to convert a part of one telephone exchange in order to

accomplish the purpose of this bill. It is also possible to prevent what the telephone company refers to as "the ratchet effect" where each exchange may call the next one ad infinitum.

Presently, there is available a local referendum procedure to initiate "extended service." This arrangement, it was testified to, is based upon existing call demand. The sponsors feel that imposition of tolls within a town discourages such calls and therefore does not represent true "demand." The Committee agreed. The Committee realizes that higher rates will likely result from extended service and that there may be locations where this is not feasible. But, the Committee also felt the issue of maintaining community cohesion and identity was of such importance as to unanimously recommend this legislation.

Rep. Voll offered an amendment.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect one year after its passage.

The Clerk read the amendment.

Rep. Voll spoke to her amendment.

Amendment adopted.

Rep. Mann moved that the words, Refer to Interim Study, be substituted for the committee report, Ought to Pass and spoke to his motion.

Reps. Sanders, Taffe, Marshall French and Taylor spoke against the motion.

Reps. Barrus, Chandler and Richard

Hanson spoke in favor of the motion.

Motion lost.

Ordered to third reading.

HB 880, relative to telephone calls to emergency services in towns. Ought to Pass with Amendment. Rep. Taylor for Science and Technology.

The telephone company already allows credit on emergency calls if the caller is aware of this or remembers to call in after the emergency and request credit. Too, many members of the public do not realize they have this right.

This bill, as amended, would mandate that all calls for fire, police and ambulance would automatically be logged as "revenue foregone numbers" eliminating the need for calling back. The phrase "within such towns" was stricken in order to bring this legislation into line with HB 879 (providing for toll-free calls within a town).

#### Amendment

Amend RSA 378:14-A as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 378:14-a Emergency Calls.

Notwithstanding the provisions of RSA 378:14, no telephone company, authorized by the commission to do business in any town, shall charge a toll for any call from any point within the geographical boundaries of said town placed through such company to the emergency number of an agency of local government, that provides emergency services for that town. Such an emergency number shall become a revenue foregone number for the telephone company.

Amendment adopted.

Rep. Chandler moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Sanders, Taffe and Callahan spoke against the motion.

Rep. Taylor moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Ordered to third reading.

The Speaker called for the Special Order:

HB 542, relative to state-wide solid waste management program. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

This is a completely rewritten bill.

It is the end result of seemingly endless hours spent by the Environment and Agriculture Committee with various state and local groups including the Municipal Association, the Regional Planning staff, Public Works personnel, the State Solid Waste Division, environmental groups, business representatives, the Attorney General's Office, and interested private citizens.

The redrafted bill authorizes the State and the Governor to act to implement the federal resource and recovery bill of 1976, at the same time recognizing that the schedule for publication of the federal guidelines may vary some from the first proposal. New Hampshire should remain flexible in the development of the required plan.

A solid waste policy advisory committee is created to represent the regional areas established by the Governor, and to oversee development of the final state plan.

Provision is made for state, local, and citizen input at every stage of this development. A guarantee is written in to protect already established solutions, or others under study. There would be no financial burden placed on any town.

Any regulatory authority established in the final plan is subject to review and approval by the General Court.

Rep. Greene spoke in favor of the committee report.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 300 NAYS 16  
YEAS 300

**BELKNAP:** Beard, Bowler, Gary Dionne, Marshall French, Hildreth, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

**CARROLL:** Roderick Allen, Claflin, Raymond Conley, Dickinson and Found.

**CHESHIRE:** Chase, Close, Fillback, Galloway, Anne Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Parker, Margaret Ramsay, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggin.

**COOS:** Cooney, Fortier, Bradley Haynes, Horton, Huggins, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodard and York.

**GRAFTON:** Ira Allen, George Cate, Chambers, Copenhaver, Crory, Duhaime, Myrl Eaton, Gemmill, Hough, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor, Clynetta Thomson, Madeline Townsend, Ward and Michael Woodard.

**HILLSBOROUGH:** Ahern, Ainley, Arnold, Aubut, Baker, Bednar, Belanger, Bernier, Bosse, Roland Boucher, Brody, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, George Healy, Howard Humphrey, Kaklamanos, Keefe, Knight, Lachance, LaPlante, Levesque, Madigan, Martin, Martineau, McGlynn, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Normand, Timothy O'Connor, O'Neil, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Henry Richardson, Paul Riley, Seamans, Simard, Edward Smith, Leonard Smith, St. George, Stylianos, Kevin Sullivan, Sweeney, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

**MERRIMACK:** Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Arthur Perkins, Pratt, Ralph, Rice, Rich, Shepard, Gerald Smith, Stefanides, Tarr, Trachy, Ernest Valliere, Waters and Wiviott.

**ROCKINGHAM:** Aeschliman, Akerman, Barka, Benton, Blake, Blanchette, William Boucher, Campbell, Carpenito, Chapman, Collins, Connors, Cotton, Cummings,

Cunningham, Cutcliffe, Davis, Robert Day, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Goff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, O'Keefe, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Webster, Helen Wilson, Wojnowski and Zabarsky.

**STRAFFORD:** Appleby, Belhumeur, Burchell, Canney, Donnelly, Bruce French, Charles Grassie, James Herche, Horrigan, Joncas, Joos, Kelly, Kincaid, Lefavour, Maglaras, Maloomian, Meader, Morrisette, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Tripp, Valley, Voll, Shirley White and Allen Wilson.

**SULLIVAN:** Barrus, Brodeur, D'Amante, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lucas, Palmer, Spaulding, Sara Townsend and Tucker

NAYS 16

**BELKNAP:** Michael Hanson and Lawton.

**CARROLL:** Howard.

**CHESHIRE:** None.

**COOS:** None.

**GRAFTON:** Buckman, Clark and LaMott.

**HILLSBOROUGH:** Bridges, Armand Lemire and Lyons.

**MERRIMACK:** Chandler, Plourde and Doris Thomson.

**ROCKINGHAM:** Bisbee, Kashulines, Norton and Tavitian.

**STRAFFORD:** None.

**SULLIVAN:** None, and the bill was ordered to third reading.

Referred to Appropriations.

Reps. Orcutt and Pelton wished to be recorded in favor of the Committee report.

Rep. Marshall French moved that the Joint Rules as proposed by the Rules Committee and mailed to the members on April 1 be adopted and spoke to his motion.

Rep. French offered an amendment.

Amendment

Amend the proposed amendment to Joint Rule 12a by striking out the phrase "of a majority" so that Joint Rule 12a will read as follows: "Notwithstanding any other House or Senate rule, a request for drafting of a bill may be received by Legislative Services, and a bill may be introduced in either house after the dates specified in Joint Rules 10 and 12 if



two-thirds of the members of the Joint Rules Committee vote in favor of its introduction."

The Assistant Clerk read the amendment.  
Amendment adopted.  
Joint Rules adopted.

SENATE MESSAGE  
REQUEST CONCURRENCE WITH AMENDMENT  
TO JOINT RULES  
(Amendment printed in SJ 4/13, Page 229)

The Assistant Clerk read the amendment.  
Rep. Marshall French moved that the House nonconcur with the Joint Rules as proposed by the Hon. Senate and that a Committee of Conference be established.  
Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Carswell offered the following:

HOUSE RESOLUTION NO. 35  
commemorating National Secretaries Week.

WHEREAS, the week of April 24th through April 30th, has been designated as National Secretaries Week; and

WHEREAS, no segment of government nor any private business could survive long or run efficiently without the valuable work performed by the many secretaries of this nation; and

WHEREAS, the Legislature is particularly fortunate to have available to them the services of secretaries in the form of Stenographic Services, secretaries to the leadership of both parties, and secretaries to the Appropriations Committee, and

WHEREAS, we appreciate all the long hours and hard work that they do for the legislature as a whole, as well as individual legislators; now therefore, be it

RESOLVED by the House of Representatives:

That in appreciation of all their fine work, the New Hampshire House of Representatives adopt this resolution honoring all secretaries; and be it further

RESOLVED that the House do especially honor the secretaries who work for the Legislature.

The Assistant Clerk read the resolution.  
Adopted.

The Speaker requested the consensus of the House as to meeting four days next week at 9:30 a.m.

298 members having voted in the affirmative and 15 in the negative, the House concurred.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a

third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 3 at 9:30 a.m.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 463, increasing the amount of the homestead right.

HB 748, to implement the uniform marriage recognition law.

HB 928, relative to veterinarian licenses.

HB 752, relative to the time limit for reporting divorces to the bureau of vital statistics.

HB 799, including divorce among the events that are reportable to the registrar of vital statistics.

HB 801, relative to providing certain additional documents when applying for a marriage license.

HB 876, relative to prior service credit of group I members of the retirement system.

HB 1054, relative to the distribution of legislative budget post-audit reports.

HB 922, relative to property tax exemptions for real estate equipped with wind-powered energy systems.

HB 851, relative to the use of privately purchased telephones on the existing telephone system.

HB 879, prohibiting telephone companies from charging a toll for any call placed to another phone within the geographical boundaries of a town.

HB 910, relative to double doors.

HB 696, eliminating the requirement of advertising of a lost passbook.

HB 700, extending the time a real estate salesman may not be associated with a broker without losing his license.

HB 714, amending article 8 of the uniform commercial code relative to the duty of an issuer to inquire into adverse claims.

HB 812, establishing an order of distribution of assets of insolvent insurers.

HB 856, relative to the inspection of used motor vehicles offered for sale by retail dealers.

HB 817, relative to privileged communications between religious leaders and penitents.

HB 847, repealing provisions relative to depositing wills with the register of probate.

HB 857, eliminating the need for legal seals on summonses, subpoenas, deeds and conveyances.

HB 1113, permitting the withdrawal of a pre-existing district from a cooperative school district.

HB 1115, concerning AREA schools incurring indebtedness.

HB 197, relative to open pit burning in towns of less than 2,500 population.

HB 623, relative to reporting of collateral resources by a welfare

recipient and persons liable for support of a dependent child or of a welfare recipient.

HB 643, relative to the qualifications for licensing of chiropractors.

HB 781, to require notice of application for, or modification of, general assistance to be given to the municipality of settlement.

HB 790, relative to cancer drug therapy.

HB 710, relative to the payment of legal fees in appeals against the department of employment security.

HB 884, relative to the payment of wages to an employee who reports to work at the request of his employer.

HB 208, relative to public hearings on variances of zoning regulations.

HB 756, relative to acceptance of petitions by the planning board.

HB 778, reducing the debt limit of the city of Nashua.

HB 880, relative to telephone calls to emergency services in towns.

HB 979, relative to lighting the state house dome from sunset to 2:00 a.m.

#### RECONSIDERATIONS

Rep. Morrison moved that the House reconsider its action whereby it killed HB 747, relative to shortening the waiting period required for marriage, and spoke against the motion.

Reconsideration lost.

Rep. Hildreth moved that the House reconsider its action whereby it passed HB 643, relative to the qualifications for licensing of chiropractors, and spoke against the motion.

Reconsideration lost.

Rep. Rossley moved that the House reconsider its action whereby it passed HB 856, relative to the inspection of used motor vehicles offered for sale by retail dealers, and spoke against the motion.

Reconsideration lost.

Rep. James Humphrey moved that the House reconsider its action whereby it passed HB 11, to provide for the conditional repeal of the requirement for wearing protective headgear on motorcycles, and spoke against the motion.

Reps. McLane, Girolimon, Martin, Wallin and Eugene Daniell spoke in favor of reconsideration.

Reps. Humphrey, Coutermarsh and Richard Hanson spoke against reconsideration.

Rep. Marshall French moved that the motion to reconsider HB 11 be laid upon the table.

Motion lost.

Rep. Erler spoke against the motion.

Rep. Bridges moved the previous question. Sufficiently seconded. Adopted.

Question being on the motion to reconsider HB 11.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 95 NAYS 238

YEAS 95

BELKNAP: Bowler, Gary Dionne, Hildreth and Kenneth Randall.

CARROLL: Roderick Allen and Dickinson.

CHESHIRE: Close, Lynch, Matson, Margaret Ramsay and Terry Wiggins.

COOS: Poulin and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Gemmill, Hough, Taylor and Ward.

HILLSBOROUGH: Corser, L. Penny Dion, Dreniak, Girolimon, Cort Hensen, Head, Daniel Healy, Kaklamanos, Knight, LaPlante, Martin, Martineau, McGlynn, McLaughlin, Morrison, Fred Murray, O'Neil, Pappas, Peters, Podles, St. George, Wallin, Welch and M. Arnold Wight.

MERRIMACK: Bibbo, Carroll, Milton Gate, Eugene Daniell, Foley, Gamache, McLane, McNichol, Rice, Doris Riley, Stefanides and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Campbell, Carpenito, Collins, Ganley, Gaskill, Gould, Greene, Grieco, Hartford, Hoar, Krasker, Laycock, Lovejoy, Maynard, Parolise, Pucci, Quimby, Rossley, Sanborn, Schwaner and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Charles Grassie, Dianne Herchek, James Herchek, Kelly, Morrisette, Dennis Ramsey, Schreiber, Donald Smith, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Palmer, Spaulding and Tucker.

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BELKNAP: Beard, Marshall French, Michael Hanson, Lawton, Mansfield, Marsh, Morin, James Murray, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Found, Howard.

CHESHIRE: Callahan, Chase, Daniel Eaton, Fillback, Galloway, Anne Gordon, Hogan, Elmer Johnson, Krause, Marshala, Parker, Scranton, Slack Terry, Vrakatisis and Whipple.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Oleson, Patenaude, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Crory, Duhaime, Myrl Eaton, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Taffe, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Bednar, Belanger, Bernier, Emile Boisvert, Bosse, Roland Boucher, Bridges, Brody, Burke, Carswell, Coburn, Colson, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Heald, George Healy, Howard Humphrey, Karnis, Keefe, Lachance, Lamy, Armand Lemire, Levesque, Lyons, Madigan, Miller, Morgan, Normand, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Plomaritis, Polak, Quigley, Record, Henry Richardson, Paul Riley, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, Stylianos, Francis Sullivan, Kevin Sullivan, Sweeney, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Laurent Boucher, John Cate, Chandler, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Mullin, Packard, Arthur Perkins, Plourde, Pratt, Ralph, Rice, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, Blanchette, William Boucher, Chapman, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Goff, Griffin, Kane, Kashulines, King, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Richards, Rogers, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Webster, Helen Wilson and Zabarsky.

STRAFFORD: Appleby, Canney, Donnelly, Bruce French, Hebert, Horrigan, Joncas, Joos, Kincaid, Lefavour, Maglaras, Maloomian, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Sackett and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lucas and Sara Townsend, and the motion lost.

The House adjourned at 7:25 p.m

363 members were recorded as present.

# HOUSE JOURNAL 32

*Tuesday, 3 May77*

The House met at 9:30 a.m.

Prayer was offered by House Chaplain,  
Milton L. Smith, Sr.

You're right Lord! I noticed it too!  
It's important isn't it Lord. Only "small"  
people - mental midgets - derive  
satisfaction from being uncivil to others,  
and only those with "little" minds like to  
brag about how they told others "where to  
get off"! O God, protect us from the  
"garbage mouth" orators who spew out  
quantities of verbal refuse, and blind  
themselves to Your Ways and the genuine  
purposes for which we gather. Enough with  
boorish ways. Call us back to the great  
task before us with commitment to real  
leadership. Being considerate, courteous  
and cooperative will enhance any person's  
stature as a leader and, God, You know we  
need leadership now, for our times call,  
not for "small", but great men and women to  
lead as we move into the final quarter of  
the 20th century, and make our mark on the  
21st. O God, guide us that our labors will  
please You and cause Your Face to shine to  
us. Amen!

Rep. Rossley led the Pledge of  
Allegiance.

## LEAVES OF ABSENCE

Reps. Ladd, Forsaith Daniels, Burrows,  
Dupont, Sanborn, Willey, Appel and Barrett,  
the day, illness

Reps. McDonough, Packard, Lynch,  
Watson, Miller, Chase, Desmarais, Dianne  
Herchek, and Myrl Eaton, the day, important  
business.

## INTRODUCTION OF GUESTS

Representative Robert Harris of the  
Vermont Legislature, guest of the House;  
Mrs. Barbara Hayes, Mrs. Francis Bruton,  
Master Gordon Bruton from Hailsham-Sussex,  
England, cousins and guests of Rep. Ray  
Conley.

## SUSPENSION OF RULES

Rep. Marshall French moved that House  
Rule 58 be so far suspended so that any  
bill containing an appropriation may be  
reported to the floor of the House for  
action and subsequent referral to the  
Appropriations Committee by May 5th, and  
spoke to his motion.

Adopted by the necessary two-thirds.

The Speaker called for the Special  
Orders.

HB 1001, relative to the fire service  
training, education and research program  
and funding same. Ought to Pass with  
Amendment. Rep. Gemmill for Education.  
Educational aspects of the bill are  
sound; Appropriations Committee should  
check financing. Vote 13-0.

## Amendment

Amend RSA 400-A:32-a, II as inserted  
by section I of the bill by striking out  
same and inserting in place thereof the  
following:

II. The tax imposed in paragraph I of  
this section shall be promptly forwarded  
by the commissioner to the state  
treasurer. The state treasurer shall  
establish a special fund, entitled the  
fire training fund, and credit to such  
fund all revenues received for the  
commissioner pursuant to this section.  
Said funds shall be expended solely by the  
state board of education for the purposes  
of the fire service training, education  
and research program established by RSA  
154-B.

Amendment adopted.

Referred to the Committee on Ways and  
Means.

HB 665, permitting certain school  
districts to pay teachers' contributions  
to the New Hampshire retirement system.  
Refer to the Committee on Labor, Human  
Resources and Rehabilitation for Interim  
Study. Rep. Close for Executive  
Departments and Administration.

This bill raises a serious issue in  
the area of public sector collective  
bargaining; such an issue is  
appropriate for interim study by the  
Committee on Labor, Human Resources  
and Rehabilitation.

Rep. Catherine-Ann Day moved that the  
words, Ought to Pass, be substituted for  
the committee report, Refer to Labor Human  
Resources and Rehabilitation for Interim  
Study.

Rep. Buckman requested a quorum count.  
The Speaker declared a quorum present.

Rep. Catherine-Ann Day spoke to her  
motion.

Reps. George Wiggins, Ward, Sara  
Townsend and William Boucher spoke against  
the motion.

Motion lost.

Referred to the committee on Labor,  
Human Resources and Rehabilitation for  
Interim Study.

Rep. Marshall French moved that debate  
be limited to thirty minutes equally  
divided on all bills, that all questions  
be put off until the end of the debate,  
that questions be limited to twenty minute  
sessions, equally divided, and spoke to  
his motion.

Reps. James Murray and Marsh spoke  
against the motion.

Motion lost.

Rep. Marshall French moved that debate  
be limited to thirty minutes equally  
divided on all bills.

Adopted.

The Speaker deferred the Special  
Orders to the end of the Consent Calendar.



COMMITTEE REPORTS  
(Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 731, 841, 911, 976, 980, 988, 989 and HBIs 2031 and 2033, and HBs 874, 958, 1010, 683, 1013, 1014, 628, 937, 1023, 833, 840, 864, 875, 887, 942, 1052, 1146, 822, 889, 909, 953, 1081, 1167, 793, 973 and HBI 2042, and HBs 952, 1147 and HBI 2045 and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 688, 859, 947, 881, 936, 1006, 621, 938, 1024, 1032, 776, 777, 711, 916, 1078 and 892 and further moved that the House adopt the Committee report of Ought to Pass With Amendment on HBs 686, 687, 1018, 1031, 1033, 235, 597, 1050 and 1156 and further moved that the House adopt the committee report of Refer to Interim Study committees by the appropriate standing committees on HBs 351, 997, 1109, 1112, 1114, 1116, 1017, 1123, 1125, 1019, 709, 749, 831, 829, 835, 903, 904, 945, 1059, 1075, 1161, 1077, 1079, 1177, 1080, 1101, 1168, 1171, 1085, 1088, and HBI 2034, 2035, 2011, 2028, 2016, 2032, 2000, 2009, 2023, 2024, 2026, 2039, 2041, 2001, 2003, 2004, 2008, 2010, 2021, 2022, 2044 and 2030.

HBIs 2011, 2001, 2033 and HBs 1077, 1177, 875, 1080, 1010, 942, 976, 874, 1018 and 903 were withdrawn from the Consent Calendar at the request of various members. Adopted.

HB 731, relative to the packaging of ice cream. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

This bill will be covered by federal regulation.

HB 841, relative to investments of savings banks. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The committee unanimously felt that this bill is not needed in view of existing law.

HB 911, relative to the composition of the state board of auctioneers. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

While the intent of this bill is good, the stated qualifications for a new member are too confining.

HB 980, relative to limiting mechanics' liens on residential real estate. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee feels current laws are adequate. Vote was 11-2.

HB 988, relative to the readability of certain insurance policies. Inexpedient

to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The committee felt that this is not needed because the insurance industry is now in the process of changing the policies.

HB 989, relative to auto insurance rates. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The committee felt the intent was good but that this bill would make payments much higher for the elderly, who can least afford them.

HBI 2031, Relating to requiring periodic inspection of certain metering devices located within mobile home parks. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

Testimony did not indicate a widespread need.

HB 958, limiting the powers of the board of trustees of the university system as they relate to tuition of in-state students. Inexpedient to Legislate. Rep. Keefe for Education.

This bill would infringe on the responsibilities of the trustees to administer the University system. The vote in Committee was 12-1.

HB 683, requiring centralized data processing to furnish the department of revenue administration a listing of total amount of motor vehicle permit fees collected by each city or town. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

Concerned state agencies were not able to agree on proper procedures to implement this bill. Unanimous vote of Committee.

HB 1013, relative to the election of the banking commissioner. Inexpedient to Legislate. Rep. Hoar for Executive Departments and Administration.

Bill withdrawn at request of sponsors.

HB 1014, revising the "Right to Know" law. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

Bill would hinder staff work and make minutes available immediately. No demonstrated need.

HB 628, relative to the powers of the fish and game commission and the appointment and duties of the director of the department of fish and game. Inexpedient to Legislate. Rep. Stimmell for Fish and Game.

The sponsor recommended inexpedient to legislate. The bill was completely covered by HB 906.

HB 937, relative to assistance payments to recipients of supplemental security income. Inexpedient to Legislate. Rep. Fred Murray for Health and Welfare.

This program could be accomplished administratively. Unanimous Committee vote.

HB 1023, relative to the determination of the reasonable value or necessity of chiropractic services in dispute. Inexpedient to Legislate. Rep. Willey for Health and Welfare.

Withdrawn at the request of the sponsor.

HB 833, removing the right of appeal of a motor vehicle offense which is a violation. Inexpedient to Legislate. Rep. Martin for Judiciary.

The present laws pertaining to violations give the defendant the right to a district court trial and the right to appeal that decision to superior court. House Bill 823 would have eliminated the appeal to superior court. The committee felt that the defendant should retain the right to appeal the district court decision and that any restriction of that right could lead to a miscarriage of justice.

HB 840, increasing the penalty for fraudulent acts by a food stamp recipient. Inexpedient to Legislate. Rep. Carpenito for Judiciary.

Under present law a fraudulent claim for food stamps can be redressed by several different legal mechanisms. The Department of Welfare has the express statutory authority to recover all fraudulently obtained payments. This bill has increased penalty provisions that are inconsistent with present statutory penalties already contained in our statutes. Further, this bill has no time limitation or formula to ascertain the manner and amount of the fraud. The Committee vote was 10-1.

HB 864, relative to the admissibility of prior inconsistent statements. Inexpedient to Legislate. Rep. Aller for Judiciary.

This bill would permit prior statements of witness at a hearing to be admitted substantively if the prior statements are inconsistent with the witnesses in-court testimony, and if the prior statement would be admissible if made by the witness while testifying. Under existing state rules of evidence prior inconsistent statements can be used only to impeach the credibility of the witness and cannot be used substantively. The bill would further expand our rules of evidence so as to permit a party to the action to attack the credibility of his own witness.

HB 1052, relative to the receipt of federal funds by state departments, divisions, agencies and commissions. Inexpedient to Legislate. Rep. Lyons for Legislative Administration.

Subject is better covered by HB 597. The first page of HB 1052 does not have the depth of HB 597.

HB 1146, including the legislative fiscal committee in the application and expenditure of federal funds. Inexpedient to Legislate. Rep. Lyons for Legislative Administration.

Covered by HB 597. Unanimous vote of Committee.

HB 822, clarifying various provisions relative to planning boards, boards of adjustment and conservation commissions. Inexpedient to Legislate. Rep. LaBonte for Municipal and County Government.

The committee feels the intent of this bill has been better covered in HB 1074, requiring written findings of fact, and that this bill is unnecessarily restrictive.

HB 889, restricting the powers of a board of adjustment in the granting of use variances. Inexpedient to Legislate. Rep. Packard for Municipal and County Government.

The intent of this legislation has been covered by a previous bill.

HB 909, relative to prior local approval of subdivisions. Inexpedient to Legislate. Rep. Emile Boisvert for Municipal and County Government.

This legislation has already been covered by a Senate Bill which has also been through the House.

HB 953, relative to the acceptance of roads by a city or town. Inexpedient to Legislate. Rep. King for Municipal and County Government.

The sponsor wished to withdraw this bill as it is not necessary at this time.

HB 1081, establishing a combined horse and dog racing commission. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The two existing commissions are performing satisfactorily. Testimony did not indicate need for a change. Vote was 13-0.

HB 1167, permitting social clubs to serve alcoholic beverages until 3:00 a.m. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

The Committee feels that the present law is adequate. Ramifications that extended hours would have on drinking habits, working habits, together with the difficulties in providing suitable enforcement for additional hours of service prompted this motion, which was unanimous, 13-0, for inexpedient to legislate.

HB 793, establishing the procedure for enforcement of covenants running with the land and other rights in areas included in approved re-development plans. Inexpedient to Legislate. Rep. Claflin for Resources, Recreation and Development.

The Committee feels that federal statutes control this situation. An

approach to HUD should have been made on this specific matter.

HB 973, to permit water skiing on that portion of the Contoocook river from the Contoocook river dam westerly to the Concord/Hopkinton town line. Inexpedient to Legislate. Rep. Clafin for Resources, Recreation and Development.

A check with the Division of Safety Services revealed facts in complete conflict with the testimony of the three persons who appeared in support of the bill, manifesting real hazard in water skiing in the area. This bill would change existing law. Vote was 15-0.

HB 1042, Relating to requiring licensing for operators of power boats. Inexpedient to Legislate. Rep. Dickinson for Resources, Recreation and Development. Committee felt that the time has not come for the licensing of power boat operators. (13-2).

HB 952, providing certain optional telephone service to the customers of all telephone companies operating in New Hampshire. Inexpedient to Legislate. Rep. Taylor for Science and Technology.

It is generally agreed that increasing political and economic centralization in New Hampshire have necessitated many more toll telephone calls; to the regional school, place of employment even the multi-town legislative district.

However, the committee felt that to further mandate toll-free service (see HB 879), even though optional, would suddenly place additional burden upon the state's 13 telephone companies. New England Telephone Company is presently embarking upon an experimental "optional calling service" which will offer the consumer a 40% discount on toll calls made to locations described in this bill. The matter is presently before the N.H. Public Utilities Commission.

HB 1147, relative to automatic smoke detector devices. Inexpedient to Legislate. Rep. Taylor for Science and Technology.

The subject matter of this bill also is contained in HB 975, which was before the Committee on State Institutions. The committee felt that HB 975 was more comprehensive.

HB 1045, relating to energy programs. Inexpedient to Legislate. Rep. Taylor for Science and Technology.

The subject of this bill is better contained in HBI 2021 to study the overall energy situation in the state.

HB 688, relative to trust company director's stock holdings. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

Updates banking law when a bank is owned by a holding company.

HB 859, relative to prohibited collateral under the small loans law. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

The bill is in the best interest of the consumer.

HB 947, relative to guaranty funds of building and loan associations. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

The committee felt that this bill should be adopted to provide greater financial management flexibility to cooperative banks. The vote was unanimous.

HB 881, relative to the recovery of local assistance. Ought to Pass. Rep. Juncas for Constitutional Revision.

This bill is a housekeeping measure and it clarifies the intent of RSA 165:20. The vote of the Committee was unanimous.

HB 936, relative to the good samaritan law. Ought to Pass. Rep. Foley for Constitutional Revision.

A housekeeping bill, it only changes one word in the present law. Unanimous vote of the Committee.

HB 1006, establishing Merrimack valley college as a fourth school in the university system. Ought to Pass. Rep. Van Loan for Education.

The Merrimack Valley branch is the only commuter college in the university system. Bill was supported by the consortium of private colleges. Committee vote was unanimous 13-0.

Referred to Appropriations.

HB 621, relative to the placement of children in licensed facilities. Ought to Pass. Rep. Helen Wilson for Health and Welfare.

This bill relates to placement on a regular basis, "regular" meaning thirty days or more. Placement must be made with a licensed facility if made on a regular basis.

HB 938, allowing permits for child care facilities. Ought to Pass. Rep. Fred Murray for Health and Welfare.

This bill would eliminate the present restriction on the Division of Welfare's issuing six month permits to certain kinds of facilities for child care, namely foster family homes, group homes, night care homes or institutions.

HB 1024, applying the settlement law to municipal contributions for old age assistance and aid to the permanently and totally disabled. Ought to Pass. Rep. Madeline Townsend for Health and Welfare.



This was a housekeeping bill. The committee vote was 10-0.

HB 1032, relative to the Saco watershed commission. Ought to Pass. Rep. Marshall French for Interstate Cooperation.

This bill renews efforts to reestablish a Saco River compact in order to develop a watershed management compact with Maine.

HB 776, relative to the definition of a person beneficially interested in an account filed in probate court. Ought to Pass. Rep. Daniel Eaton for Judiciary.

Under existing law a person beneficially interested in the estate of a person under conservatorship or guardianship would not necessarily include the next of kin.

This bill would expand the definition of persons beneficiary interests to include husband and wife of the ward or the heirs of the ward if he were to die intestate.

HB 777, relative to unfair, deceptive or unreasonable collection practices. Ought to Pass. Rep. Carpenito for Judiciary.

The bill would permit the Attorney General to bring an action in the name of the state seeking injunctive relief or civil penalties.

Presently, the Attorney General assists consumers in resolving complaints alleging violations of RSA 358-C, but is not specifically designated by the statute as the enforcing authority. This bill specifically authorizes the Attorney General to enforce the statute pursuant to the provisions of RSA 358-A.

HB 711, eliminating the requirement that town clerks send reports to certain state societies. Ought to Pass. Rep. Roy Davis for Municipal and County Government.

This bill updates the statutes by eliminating the requirement to send all town reports to the no-longer-existent Genealogical Society and the Historical Society which has not the room.

HB 916, permitting planning boards to require a subdivider to install prescribed traffic control devices. Ought to Pass. Rep. Dreniak for Municipal and County Government.

This bill simply includes traffic control devices in existing law relative to requirements prerequisite to plat approval as development also necessarily creates traffic flow problems which must be dealt with.

HB 1078, relative to the establishment of a permanent subcommittee on architectural barrier free design on the

governor's committee on employment of the handicapped. Ought to Pass. Rep. James J. White for Public Works.

This bill unanimously passed 13-0. Excellent testimony was received relative to this bill. No one appeared in opposition. The present law is not detailed and many towns and cities have not responded in having free access to public buildings by the physically handicapped. Enforcement of the present law has been almost impossible.

HB 892, relative to temporary transfer of prisoners. Ought to Pass. Rep. Cotton for State Institutions.

This bill allows a prisoner to be transferred to a medical facility for emergency treatment or examination upon approval of the administration of the penal institution providing the period does not exceed 24 hours. Any longer period requires judicial or gubernatorial approval. This legislation was requested by the Attorney General. No opposition to this bill. Committee vote was 12-0 with one abstention.

HB 686, relative to the duties of persons involved with vital statistics. Ought to Pass with Amendment. Rep. James Herchek for Executive Departments and Administration.

This bill, endorsed by the State Association of Town Clerks, tightens the laws concerning fraudulent use of vital statistics. Unanimous vote of Committee.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Vital Statistics and Records; Duties; Penalties. Amend RSA 126:24 (supp) as amended by striking out said section and inserting in place thereof the following:

126:24 Duties and Responsibilities; Penalties.

I. Any person having knowledge of the facts shall furnish such information as he may possess regarding any birth, death, fetal death, marriage or divorce upon demand of the state registrar of vital statistics.

II. Any person shall be guilty of a class B felony if he:

(a) willfully and knowingly makes any false statement in a certificate, record, or report required to be filed by statute or in an application for an amendment thereof or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or

(b) without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates



any certificate, record, or report required to be filed by statute or a certified copy of such certificate, record or report; or

(c) willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; or

(d) with the intention to deceive willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or

(e) willfully and knowingly furnishes or processes a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or

(f) without lawful authority possesses any certificate, record, or report, required by statute or a copy or certified copy of such certificate, record or report knowing same to have been stolen or otherwise unlawfully obtained.

III. Except as otherwise provided, any person shall be guilty of a misdemeanor if he;

(a) willfully and knowingly refuses to provide information required by this chapter or regulations adopted hereunder; or

(b) willfully and knowingly transports or accepts for transportation interment, or other disposition a dead body without an accompanying permit when required pursuant to RSA 290; or

(c) willfully and knowingly neglects to comply with or intentionally violates any of the provisions of this section or refuses to perform any of the duties imposed upon him by this section or regulations adopted pursuant to this chapter shall be guilty of a misdemeanor, unless otherwise provided.

HB 687, amending certain statutes relative to vital statistics. Ought to Pass with Amendment. Rep. James Herchek for Executive Departments and Administration.

This bill updates obsolete statutes relative to still births, burials, death certificates, and residents who married out-of-state. This bill is endorsed by the Association of Town Clerks. Unanimous Committee vote.

#### Amendment

Amend RSA 290:1-a as inserted by section 4 of the bill by striking out same

and inserting in place thereof the following:

#### 290:1-a Fetal Death Certificates.

Whenever a fetal death shall occur the attending physician shall fill out a fetal death certificate. This will be solely a statistical report.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Repeal. RSA 457:30 relative to filing a declaration of marriage in this state by residents who marry out-of-state is hereby repealed.

HB 1031, to allow local units of government to enter interlocal agreements for the performance of any legal municipal function. Ought to Pass with Amendment. Rep. Marshall French for Interstate Cooperation.

This bill, as amended, allows counties and municipalities to effectively utilize mutual cooperative efforts, so that units of government can provide service and facilities more efficiently.

#### Amendment

Amend RSA 53-A:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

53-A:1 Purpose. It is the purpose of this chapter to permit municipalities and counties to make the most efficient use of their powers by enabling them to cooperate with other municipalities and counties on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

HB 1033, relative to the exchange of tax information between state and federal government. Ought to Pass with Amendment. Rep. Marshall French for Interstate Cooperation.

This bill, as amended, brings the Department of Revenue Administration into conformity with Federal Revenue Department's requirements.

#### Amendment

Amend RSA 71-A:11-a, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. The commissioner of the department of revenue administration may limit disclosure of information to a greater degree than provided for herein when such further limitation is necessary to comply with compacts for the exchange of information with the Internal Revenue Service of the United States.

HB 235, to permit stolen and other property to be restored to rightful owners in advance of trial. Ought to Pass with Amendment. Rep. Aller for Judiciary.

This bill permits the return of property held for evidence to the rightful owner prior to trial. Notice must be given to the defendant at least 45 days prior to return. If the defendant objects, a hearing will be held. Committee feels bill, as amended, properly balances interests of all parties, and allows plaintiff the use of his property during the lengthy court process.

#### Amendment

Amend RSA 595-A:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

595-A:6 Seizure, Custody and Disposition of Articles; Exceptions. If an officer in the execution of a search warrant, or by some other authorized method, finds property or articles he is empowered to take, he shall seize and safely keep them under the direction of the court or justice so long as necessary to permit them to be produced or used as evidence in any trial. Upon application by the state or civil claimants, the court may, after giving notice by certified mail to the defendant or his counsel of record, order returned to the rightful owners any stolen, embezzled, fraudulently obtained property, or other property of evidential value, not constituting contraband. If the defendant or his counsel of record, within 45 days of the date of said notice, objects to the return of the property, the court shall conduct a hearing to determine whether the property should be returned to its rightful owners or retained by the state for use at trial. If the court returns any of the property to its rightful owners, photographs or other identification or analysis made of said returned property shall be admissible at trial as secondary evidence in lieu of the originals. In the case of unknown, unapprehended or defendants willfully absent from the jurisdiction, the court shall have discretion to appoint a guardian ad litem to represent the interest of such unknown or absent defendants. The judicial findings on identification or value made at such an evidentiary hearing ordering the restoration of property to the rightful owners, shall thereafter be admissible at trial, to be considered with other evidence, if any, by the finder of fact. All other property seized in execution of a search warrant, or otherwise coming into the hands of the police, shall be disposed of as the court or justice orders and may be forfeited and either sold or destroyed as the public interest requires in the discretion of the court or justice, and in accordance with due process of law. Any property, the forfeiture and disposition of which is specified in any general or special law, shall be disposed of in accordance therewith.

HB 597, relative to the application and expenditure of federal funds and

making an appropriation therefor. Ought to Pass with Amendment. Rep. Vrakatisits for Legislative Administration.

This bill will give the Legislature a handle on federal funds without jeopardizing the receiving of same. HB 597 covers the subject of HB 1052 and HB 1146. The amendment merely deletes one sentence. Unanimous vote of Committee.

#### Amendment

Amend RSA 14:30-a as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

14:30-a Committee. There is hereby established a fiscal committee of the general court. Said committee shall consist 8 members, 5 shall be members of the house of representatives appointed by the speaker, one of whom shall be the chairman of the house appropriations committee, 3 shall be members of the senate appointed by the president, one of whom shall be chairman of the senate finance committee. Said committee shall while the general court is in session and during the interim consult with, assist, advise, and supervise the work of the legislative budget assistant, and may at its discretion investigate and consider any matter relative to the appropriations, expenditures, finances, revenues or any of the fiscal matters of the state. The members shall be paid the regular legislative mileage during the interim while engaged in their work as members of said committee.

Referred to Appropriations.

HB 1050, establishing a committee to study legislation affecting municipalities. Ought to Pass with Amendment. Wallin for Legislative Administration.

The interim committee will examine and compile all laws pertaining to municipalities, counties and school districts with a view to removing archaic provisions and suggesting improvements where they are needed. The report will add to the working knowledge of the House Municipal and County Government Committee.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Committee Established. There is hereby established a committee to study the present laws relating to all municipalities. The committee shall be made up of 9 members of the house appointed by the speaker of the house. The committee shall receive legislative mileage in the performance of their duties in connection with this study. The committee's report, together with recommendations for new legislation, shall be submitted to the general court by October 1, 1978.

HB 1156, relative to the property tax lien for the elderly and disabled. Ought to Pass with Amendment. Emile Boisvert for Municipal and County Government.

By providing for a uniform lien form, this bill clarifies for municipal officials when a lien should be granted and also changes the date for filing intent of lien. The amendment simply makes wording corrections.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Application for Elderly Lien.

Amend RSA 72:38-a, I (supp) as inserted by 1973, 452:1 as amended by striking out said paragraph and inserting in place thereof the following:

#### I. Any resident property owner who:

(a) has attained the age of 65 or older, or

(b) is eligible for benefits for the totally and permanently disabled under the federal social security act, and

Who has owned his homestead for at least 10 years, and who is currently residing in same, may apply to the selectmen of the town or city assessor, where the property is located, for certain relief, pursuant to this section, from a portion or full payment of taxes due on said real estate. Application must be made annually before June 1 on a form provided by the town, the format of which shall be prescribed by the department of revenue administration.

#### 2 Grant of Tax Lien. Amend RSA

72:38-a, II (supp) as inserted by 1973, 452:1 by striking out said paragraph and inserting in place thereof the following:

II. The selectmen or assessors may annually grant a tax lien for the whole or a portion of the taxes due in lieu of the full payment thereof, plus interest at an annual rate of 5 percent; if in their opinion the taxpayer's ability to pay causes said taxpayer an undue hardship or possible loss of said taxpayer's property. Such a tax lien may be granted from time to time not to exceed 85 percent of assessed value.

3 Filing Notice of Lien. Amend RSA 72:38-a by inserting after paragraph V the following new paragraph:

VI. The selectmen shall file notice of the lien with the registry of deeds of the county in which the property is located to perfect all elderly liens within 30 days after notification to the department of revenue administration that the last tax bill has been sent.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 351, relative to landlord and tenant relations. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Seamans for Constitutional Revision.

This Committee has listened to a great deal of testimony on bills dealing with the rights and responsibilities of landlords and tenants. This bill merits serious consideration. It therefore unanimously recommends that this bill be studied in depth in interim study along with similar bills in order that legislation fair and equitable to both tenant and landlord be presented to the next session.

HB 997, relative to retaliatory evictions by landlords. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Seamans for Constitutional Revision.

This Committee has listened to a great deal of testimony on bills dealing with the rights and responsibilities of landlords and tenants. This bill merits serious consideration. It therefore unanimously recommends that this bill be studied in depth in interim study along with similar bills in order that legislation fair and equitable to both tenant and landlord be presented to the next session.

HB 1109, prohibiting discrimination against a renter of residential real property because of public assistance. Refer to the Committee on Constitutional Revision for Interim Study. Rep. Seamans for Constitutional Revision.

This Committee has listened to a great deal of testimony on bills dealing with the rights and responsibilities of landlords and tenants. This bill merits serious consideration. It therefore unanimously recommends that this bill be studied in depth in interim study along with similar bills in order that legislation fair and equitable to both tenant and landlord be presented to the next session.

HB 1112, establishing instruction in learning disabilities as a requirement for teacher certification. Refer to the Committee on Education for Interim Study. Rep. Catherine-Ann Day for Education.

The Committee feels this bill has merit and addresses the special needs of learning disabled children. The Committee would like to study how best to afford teachers with the techniques needed to meet the mandates of PL 94-142 which will go into effect September 1, 1978. Vote in Committee was 15-1.

HB 1114, relative to a standard entrance age for school children. Refer to the Committee on Education for Interim Study. Rep. Gemmill for Education.

Issues raised in this bill are similar to those of an earlier bill recommended for interim study dealing with school readiness. The Committee wished to study these related issues together. The vote was 12-4.



HBI 2034, Relative to receiving credit from the university system for academic work done within or without the system. Refer to the Committee on Education for Interim Study. Rep. Chandler for Education.

Bill of intent raised questions that deserve more study. Committee voted to send it to interim study.

HB 1116, relative to the control of hazardous substances. Refer to the Committee on Environment and Agriculture for Interim Study. Rep. Rogers for Environment and Agriculture.

The Committee having received this bill just this week and recognizing the complexity of the problem would like more time to study it carefully.

HBI 2035, Relating to universal products coding. Refer to the Committee on Environment and Agriculture and Science and Technology for Interim Study. Rep. Rogers for Environment and Agriculture.

This appears to be an increasing problem and the Committee would like to look at it with Science and Technology because of the computers involved.

HB 1017, authorizing indemnification of state governmental officials. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Close for Executive Departments and Administration.

The problem of indemnification of state officers and employees is a complex one; the solution proposed in this bill of intent may be an expensive one. These considerations dictate interim study.

HB 1123, establishing authority for the granting of extensions of service for members of the New Hampshire retirement system. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Close for Executive Departments and Administration.

Good concept behind bill but some time is needed to work out details.

HB 1125, relative to appointments by the governor or governor and council. Refer to the Committee on Executive Departments and Administration for Interim Study. Rep. Close for Executive Departments and Administration.

Bill addresses the serious problems of holdovers but causes more practical problems. It deserves further study.

HB 1019, relative to continuing surveys of certain fur-bearing animals and authorizing the director to suspend or terminate trapping when a specie is endangered. Refer to the Committee on Fish and Game for Interim Study. Rep. Felch for Fish and Game.

This bill was so complicated, the Committee felt it should go to interim study.

HBI 2028, Relating to establishing fees for hikers; revenue from same to subsidize search and rescue operations. Refer to the Committee on Fish and Game for Interim Study. Rep. Wolfson for Fish and Game.

This bill of intent requires more study. The Committee was unanimous to put into interim study.

HB 709, establishing a board of examiners of speech pathology and audiology and to certify speech pathologists and audiologists. Refer to the Committee on Health and Welfare for Interim Study. Rep. Copenhaver for Health and Welfare.

The committee felt that this bill required further study as it was a justifiable and needed bill. The committee vote was 11 - 0.

HBI 2016, Relating to coordination of home health services in counties. Refer to the Committee on Health and Welfare for Interim Study. Rep. Blanchette for Health and Welfare.

The Committee voted to send this bill of intent to interim study. The Committee felt in general that there could be some problems with this at the county level, such as additional costs and perhaps some duplication and wanted to have an in-depth official study workup done. It also singled out another area of study. Committee vote was 14-1.

HBI 2032, relating to the rights of foster children and the liability of the state therefor. Refer to the Committee on Health and Welfare for Interim Study. Rep. Blanchette for Health and Welfare.

The committee would like to study this matter as there are two court cases pending in other states relative to the subject. The committee vote was 13 - 0.

HB 749, establishing programs for displaced homemakers. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study. Rep. Skinner for Labor, Human Resources and Rehabilitation.

It is felt that further in depth study is needed on this most complex problem of establishing a pilot program of counseling and training for the "displaced homemaker."

HB 831, to adopt an occupational safety and health law for the state of New Hampshire. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study. Rep. McGlynn for Labor, Human Resources and Rehabilitation. An occupational safety and health law was established at the federal level that only applies to the federal sector. The intent of this bill is to adopt a similar act for New Hampshire and to create a unified program for the public and private sectors.



The committee felt because of the complex content and mechanics of the bill that it would be better to consider its full content and ramifications at a later date in interim study.

HB 829, relative to regulations which may be stipulated by the planning board as a condition precedent to the approval of a plat. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Drevniak for Municipal and County Government

Under present enabling legislation developers are required to contribute toward necessary capital improvements, i.e. streets, playgrounds, but no provision is made for schools, an increasing burden in high growth areas. This bill proposes to include schools, but the Committee feels further study is necessary to insure the solution is not worse than the problem.

HB 835, providing for the election of members to the county convention as a separate county office. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Burke for Municipal and County Government.

Sufficient interest and testimony was given on this bill, which would eliminate compulsory service by representatives in the county convention by making the convention a separate office, to merit further study.

HB 904, permitting the delegation of authority to an administrative body to carry out the procedures of the planning board. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Burke for Municipal and County Government.

The committee feels that this bill should be considered with all other planning board legislation already referred to interim study.

HB 945, relative to county bonds. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Packard for Municipal and County Government.

Further study is needed to determine the necessity of this legislation.

HB 1059, relative to appropriations at town, school district and village district meetings. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Fillback for Municipal and County Government.

The Committee agrees with the intent of the bill to better inform the voters but feels the mechanics of the bill need to be worked out to insure that warrants are informative without being overly cumbersome.

HB 1075, relative to the acceptance of roads by towns. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Arnold Perkins for Municipal and County Government

The intent of this bill is to clarify existing law but as written, the bill needs more work.

HB 1161, relative to establishing a district within the town of Haverhill. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Mann for Municipal and County Government.

A new recreation district has already been voted on by the town but the town has requested further study before passage of this legislation on the powers and duties of the district as established under this bill.

HB 1200, relating to the state reimbursing the town of Plymouth for municipal services rendered to Plymouth state college. Refer to the Committee on Municipal and County Government for interim study. Rep. McIver for Municipal and County Government.

The committee would like to combine this bill with three others relating to the same subject which have already been referred to interim study.

HB 1209, Relating to the publication of a budget law handbook. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Mann for Municipal and County Government.

The Committee agrees that publication of a full handbook to keep budget committee members up-to-date and informed is a good idea but further study is necessary to determine the need and cost.

HB 1223, Relating to the duties, functions and organization of local planning boards. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Bednar for Municipal and County Government.

It is a major responsibility of planning boards to oversee new development, and presently many lack the time or resources to draw master plans. The Committee feels present laws could be strengthened or provisions made to help the boards fulfill their duties.

HB 1224, Relating to a procedure for appeals from a planning board decision. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Arnold Perkins for Municipal and County Government.

Testimony received both on this bill and previous bills by this Committee regarding subdivision decisions, the need for local appeal provisions and related problems indicate some study is necessary.

HBI 2026, Relating to establishing a committee to study the county convention commission. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Arnold Perkins for Municipal and County Government.

This bill of intent proposes an alternative way of appointing the county convention utilizing town and city officials rather than state representatives and the Committee feels this should be studied in conjunction with HB 835.

HBI 2039, Relating to the state reimbursing any municipality for municipal services rendered to a state installation. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Mann for Municipal and County Government.

This bill, along with earlier ones of a more specific nature, have brought some problems to the attention of the Committee which need further study.

HB 1079, relative to highway route 38 in Salem and Pelham. Refer to the Committee on Public Works for Interim Study. Rep. James J. White for Public Works.

By a unanimous vote the committee felt that this bill should have further study.

HB 1101, establishing regional water authorities. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Claflin for Resources, Recreation and Development.

This bill is sufficiently complex and associated with other similar legislation interim study will produce better results.

HB 1168, relative to the powers of the water resources board. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Claflin for Resources, Recreation and Development.

This bill is sent to interim study to be considered as part of a comprehensive study to be conducted by the Committee concerning the utilization of the state's water resources.

HBI 2041, Relating to the organization of planning regions. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Claflin for Resources, Recreation and Development.

The Committee believes that the reorganization of Regional Planning Districts is worth considering because the present system is not working as originally conceived. (13-2)

HB 1171, relative to the construction or operation of nuclear fission thermal power plants. Refer to the Committee on Science and Technology for Interim Study. Rep. Taylor for Science and Technology.

This bill raises the question of federal pre-emption in the area of nuclear power plant construction approval, and needs much more research. The bill requires, among other things, that the N.H. Site Evaluation Committee (established under RSA 162 F) find an approved technology for construction and operation of a nuclear fuel rod reprocessing plant. The committee on Science and Technology feels this mandate is beyond the expertise and capability of the Site Evaluation Committee and is otherwise impractical from the state level.

HBI 2003, relating to centralized data processing. Refer to the Committee on Science and Technology for Interim Study. Rep. Taylor for Science and Technology.

If properly administered, the centralization of data to operate state government can save taxpayers millions of dollars in duplication of effort through greater coordination among agencies.

Evidence indicates that the state's efforts to accomplish this need attention and that too often when the issue is addressed it becomes a political football.

The bill allows the committee to delve into these and other problems.

HBI 2004, relating to establishing a study to cut waste of heating fuel caused by inadequately insulated apartment buildings. Refer to the Committee on Science and Technology for Interim Study. Rep. Taylor for Science and Technology.

Tenants are often conservation-minded when it comes to the use of residential energy. But they often live in buildings where they have no control over electrical metering, insulation or other standards which would save heat or power.

This is a legitimate area of concern for those persons really interested in saving energy.

HBI 2008, relating to technical or legal barriers to local generation of electrical energy. Refer to the Committee on Science and Technology for Interim Study. Rep. Taylor for Science and Technology.

Some homeowners and innovative businessmen who are suffering the increasing cost of more expensive electrical energy, are turning to the local generation of power by water or other means. But this emerging technology is sometimes hampered by restrictive rules or outdated statutes designed to regulate utility companies. This bill seeks to identify those barriers which may stand in the way of traditional American ingenuity.

HBI 2010, relating to the cost and impact of metrification in New Hampshire. Refer to the Committee on Science and

Technology for Interim Study. Rep. Taylor for Science and Technology.

How will the changeover to the metric system affect New Hampshire? What will be the impact on the construction trades, auto mechanics and secondary education? Are prices of goods affected in converting from quarts to liters, inches to centimeters or miles to kilometers? Will all the RSA have to be updated? What will be the cost if we drag our feet (or our six + decimeters) and resist "metrification"?

HB 2021, relating to legislative study of energy development, allocation and utilization. Refer to the Committee on Science and Technology for Interim Study. Rep. Taylor for Science and Technology.

This bill addresses energy issues affecting the state and is worthy of further study. The committee plans to work with other committees of the General Court and agencies of the Executive Branch in its deliberations.

HB 2022, relating to controlling the use by the department of public works and highways and municipalities utilizing salt or salt products in maintaining the state and town highways. Refer to the Committee on Science and Technology for Interim Study. Rep. Taylor for Science and Technology.

The harmful effects of de-icing salts used upon highways are well documented. The sponsor expressed a desire that the committee study this documentation and determine what action, if any, New Hampshire should take to prevent or at least slow the rate of pollution of private wells, the killing of roadside vegetation and corrosion of motor vehicles estimated to cost millions of dollars. The committee accepts the challenge.

HB 2044, relating to telephone and telecommunication services in the state of New Hampshire. Refer to the Committee on Science and Technology for Interim Study. Rep. Taylor for Science and Technology.

This bill addresses problems involving telephone calling areas and other related areas of concern. Testimony by members of the public verified that there are real problems which are not being considered and that legislative action may be required to do this. Numerous bills have been filed concerning telephone service in New Hampshire which tends to indicate the administrative regulatory process is not responding to public need.

HB 1085, relative to punishment at the county houses of correction. Refer to the Committee on State Institutions for Interim Study. Rep. Granger for State Institutions.

The Committee felt that the subject matter covered by this bill needs further study. Vote was 12-2.

HB 1088, relative to civil commitments of the mentally ill. Refer to the Committee on State Institutions for Interim Study. Rep. Cotton for State Institutions.

The committee feels that HB 1088 has merit, yet there were many serious questions raised by several attorneys and a judge.

It is felt that since an entire RSA (which is complex) will be changed, careful study and serious consideration must be given to several aspects of this legislation. The vote was unanimous with one abstention.

HB 2030, Relating to escapees from New Hampshire hospital. Refer to the Committee on State Institutions for Interim Study. Rep. Krause for State Institutions.

This bill of intent only concerns the study of the release practices and procedures applied towards sex offenders at New Hampshire Hospital. The Superintendent of the Hospital, Major Wheelock, was not opposed to such a study. In addition to this, the Committee felt that the study should include the release practices and procedures of all court committed patients at the Hospital. This would enlarge the scope of the study to examine the total release/escape problem and provide a good vehicle for investigation by the Committee. The vote was 13-1.

The Speaker called for the Special Orders.

HB 314, improving procedures of the medical board for supervising medical practice and stabilizing medical liability claims. Majority: Ought to Pass with Amendment. Rep. Blanchette for Health and Welfare. Minority: (Reps. Daniell and Ralph): Inexpedient to Legislate.

Majority: This comprehensive legislation is answering the concern of increasing health care costs to the consumer as a result of unavailability and increased premiums of medical liability insurance to hospitals, physicians and other health care providers. The bill increases the regulatory authority of the Board of Registration in Medicine in order to maintain quality health care and weed out substandard health care in New Hampshire. The bill clarifies and stabilizes the laws governing legal actions in medical injury cases, in order to decrease the number of baseless claims against health care providers. The Committee amendments are designed to assure that meritorious claims will get a fair hearing. The Committee vote was 11-2.



Minority: All parties agree this bill will not reduce insurance premiums to be paid by hospitals or physicians. It does absolutely nothing for the benefit of patients while substantially reducing their protection from unprincipled and inadequate members of the medical profession.

Rep. Helen Wilson requested a quorum count.

The Speaker declared a quorum present.

Rep. Eugene Daniell moved that the words, Refer to the committee on Health and Welfare for Interim Study, be substituted for the Majority report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Nighswander, Hess, Blanchette, Fred Murray, Griffin, Helen Wilson and Coutermarsh spoke against the motion.

Reps. Orcutt, Spirou, Daniel Healy, Goff, Currier and Rice spoke in favor of the motion.

Rep. Bridges moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Aeschliman and Wiviott abstained from voting under Rule 16.

(Speaker presiding)

YEAS 132 NAYS 197

YEAS 132

BELKNAP: Bowler, Hildreth, Marsh, James Murray, Kenneth Randall and Sanders.

CARROLL: Raymond Conley, Found and Keller.

CHESHIRE: Dostilio, Daniel Eaton, Fillback, Anne Gordon, Matson, Moore, Parker, Margaret Ramsay and Terry Wiggin.

COOS: Huggins, Hunt, Keough, George Lemire, Patenaude, Poulin, Theriault and Alcide Valliere.

GRAFTON: Buckman, Chambers, Crory, Dearborn, LaMott, McAvoy, Stomberg and Ward.

HILLSBOROUGH: Baker, Belanger, Wilfrid Boisvert, Bosse, Brack, Coburn, Coughlin, Currier, William Desmarais, L. Penny Dion, Drewniak, Clyde Eaton, Gabrielle Gagnon, Head, Daniel Healy, Karnis, Lachance, LaFleur, LaPlante, Levesque, Martineau, Morrison, Nardi, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Record, Seamans, Simard, Soucy, Spirou, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Geraldine Watson and Robert Wheeler.

MERRIMACK: Bibbo, Bodi, Chandler, Eugene Daniell, Gamache, Polly Johnson, Donna MacIvor, Mullin, Pelton, Arthur Perkins, Pratt, Ralph, Doris Riley, Gerald Smith, Stefanides, Tarr and Trachy.

ROCKINGHAM: Bisbee, Blake, Carpenito, Connors, Cotton, Danforth, Erler, Flanagan, Goff, Greene, Kashulines,

Laycock, Donna McEachern, Nelson, Parolise, Pucci, Anthony Randall, Alfreda Smith, Tavitian and Zabarsky.

STRAFFORD: Burchell, Joncas, Joos, Kelly, Kincaid, Maglaras, Maloomian, Rod O'Connor, Preston and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, LeBrun, Lewko, Lucas, Palmer and Scott.

#### NAYS 197

BELKNAP: Beard, Gary Dionne, Marshall French, Goyette, Michael Hanson, Lawton, Mansfield, Morin, Nighswander and Sabbow.

CARROLL: Roderick Allen, Claflin, Dickinson, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Galloway, Irvin Gordon, Krause, Marshala, Proctor, Russell, Scranton, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Mabel Richardson, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Clark, Copenhaver, Cornelius, Duhaime, Gemmill, Hough, Logan, Mann, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Emile Boisvert, Bridges, Brody, Burke, Carswell, Mark Connolly, Corser, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Knight, Lyons, Martin, McGlynn, McLaughlin, Morgan, Fred Murray, Nemzoff-Berman, Normand, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Sing, Leonard Smith, Stahl, Stylianos, Wallace, Wallin, Welch, Emma Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Foley, Hess, James Humphrey, Kidder, McLane, McNichol, Rich, Shepard, Stockman, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Akerman, Blanchette, William Boucher, Campbell, Cummings, Cunningham, Davis, Robert Day, Dunfee, Felch, Beverly Gage, Ganley, Gaskill, Gould, Grieco, Griffin, Hartford, Hoar, Kane, King, Krasker, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Norton, Parr, Quimby, Richards, Rogers, Rossley, Scamman, Schwaner, Skinner, Splaine, Stimmell, Stratton, Vlack, Webster, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Bruce French, Charles Grassie,



Hebert, James Herchek, Horrigan, Lefavour, Lessard, Meader, Nadeau, Osgood, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Frizzell, Ingram, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

#### Amendment

Amend RSA 507-C:1, II as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

II. "Medical care provider" means a physician, physician's assistant, registered or licensed practical nurse, hospital, clinic or not-for-profit home health care agency licensed by the state or otherwise lawfully providing medical care or services, or an officer, employee or agent thereof acting in the course and scope of employment.

Amend RSA 507-C:2, I (a) as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

(a) The standard of acceptable professional practice in the medical care provider's profession or specialty thereof, if any, at the time the medical care in question was rendered; and

Amend RSA 507-C:2, II (a) as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

(a) The plaintiff shall have the burden of proving by affirmative evidence consisting of expert testimony of a competent witness or witnesses, that the treatment, procedure or surgery was performed in other than an emergency situation and that the medical care provider did not supply that type of information regarding the treatment, procedure or surgery as would customarily have been given to patient in the position of the injured person or other persons authorized to give consent for such a patient, by other medical care providers with similar training and experience at the time of the treatment, procedure or surgery.

Amend RSA 507-C:3, I as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

I. No witness is competent to give the expert testimony required by RSA 507-C:2 unless the court finds that the witness was competent and duly qualified to render or supervise equivalent care to that which is alleged to have caused the medical injury, at the time that such care was rendered.

Amend RSA 507-C:3, III as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

III. No medical care provider shall be required to give expert opinion testimony against himself or herself as to any of the matters set forth in RSA

507-C:2. However, this prohibition does not apply if the medical care provider has previously and voluntarily given such expert opinion testimony favorable to himself or herself at the trial.

Amend RSA 507-C:4 as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

507-C:4 Statute of Limitations.

Notwithstanding any other provision of law, all actions for medical injury shall be commenced within 2 years of the act, omission or failure complained of, except that where the action is based upon discovery of a foreign object in the body of the injured person which is not discovered and could not reasonably have been discovered within such 2 year period, the action may be commenced within 2 years of the date of discovery or of the date of discovery of facts which would reasonably lead to discovery, whichever is earlier. This section applies to all persons regardless of minority or other legal disability, except that a minor under the age of 8 years at the time of the act, omission or failure complained of shall in any event have until his tenth birthday in which to commence an action.

Amend RSA 507-C:7, IV as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

IV. In the event of a judgment for the plaintiff, if the award for future damages exceeds \$50,000 the court may, at the request of either party, order that the future damages of the injured person be paid in whole or in part by periodic payments as determined by the court, rather than by lump sum payment, or such terms as the court deems just and equitable. As a condition to authorizing periodic payments of future damages, the court may order a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages. In the event of the death of the injured person prior to completion of installment payments, upon motion of any party at interest the court shall modify the order by deducting from the remaining balance the amount thereof representing unpaid compensation for future non-economic loss and future expenses of care and by ordering the remainder to be paid to the estate of the decedent.

Amendment adopted.

Rep. Daniel Healy moved that HB 314 be indefinitely postponed.

Rep. Coutermarsh requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 107 NAYS 224

YEAS 107

BELKNAP: Bowler, Marsh and James Murray.

CARROLL: Raymond Conley, Found and Keller.

CHESHIRE: Dostilio, Fillback, Anne Gordon, Matson, Parker and Terry Wiggins.

COOS: Huggins, Hunt, Keough, George Lemire, Poulin, Theriault and York.

GRAFTON: Buckman, Clark, Crory, LaMott, McAvoy, Stomberg and Glyneta Thomson.

HILLSBOROUGH: Baker, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Brack, Coburn, Cullity, Currier, William Desmarais, Drewniak, Daniel Healy, Karnis, Lachance, LaFleur, Levesque, Martineau, Morrison, Mardi, Normand, Timothy O'Connor, O'Neil, Orcutt, Pelletier, Record, Seamans, Simard, Sing, Soucy, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Geraldine Watson and Robert Wheeler.

MERRIMACK: Bellerose, Bibbo, Bodi, Laurent Boucher, Chandler, Eugene Daniell, Gamache, Mullin, Pelton, Arthur Perkins, Pratt, Ralph, Doris Riley, Gerald Smith and Stefanides.

ROCKINGHAM: Carpenito, Connors, Cotton, Danforth, Erler, Flanagan, Goff, Kashulines, Laycock, Donna McEachern, Nelson, Parolise, Anthony Randall and Zabarsky.

STRAFFORD: Belhumeur, Donnelly, Joncas, Joos, Kincaid, Maloomian, Nadeau, Dennis Ramey and Tripp.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, LeBrun, Lucas, Palmer and Scott.

#### NAYS 224

BELKNAP: Beard, Gary Dionne, Marshall French, Goyette, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Daniel Eaton, Galloway, Irvin Gordon, Krause, Marshala, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Patenaude, Mabel Richardson, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, Chambers, Copenhaver, Cornelius, Dearborn, Duhaime, Gemmill, Hough, Logan, Mann, Neil McIver, Pepitone, Rounds, Snell, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bosse, Bridges, Brody, Burke, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Catherine-Ann Day, Arline Dion, L. Penny Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Thomas

Hynes, Kaklamanos, Keefe, Knight, LaPlante, Lyons, Martin, McGlynn, McLaughlin, Morgan, Fred Murray, Nemzoff-Berman, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Leonard Smith, Spirou, Stahl, Stylianos, Wallace, Wallin, Welch, Emma Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Blakeney, Carroll, John Cate, Milton Cate, Foley, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McLane, McNichol, Rich, Shepard, Stockman, Tarr, Doris Thompson, Trachy and Ernest Valliere.

ROCKINGHAM: Akerman, Bisbee, Blake, Blanchette, William Boucher, Campbell, Cummings, Cunningham, Davis, Robert Day, Dunfey, Felch, Beverly Gage, Ganley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, King, Krasker, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Niebling, Norton, Parr, Pucci, Quimby, Richards, Rogers, Rossley, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tatavian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfsen.

STRAFFORD: Appleby, Burchell, Canney, Bruce French, Charles Grassie, Hebert, James Herckek, Horrigan, Kelly, Lefavour, Lessard, Maglaras, Meader, Rod O'Connor, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: D'Amante, Frizzell, Ingram, Lewko, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Referred to Appropriations.

Rep. Willey wished to be recorded in favor of HB 314.

Rep. Vrakatitsis wished to be recorded against indefinite postponement.

HB 742, to reclassify part of the Pennichuck brook and authorize use of the Merrimack river water in the Pennichuck water works system. Refer to the Committee on Resources, Recreation and Development for Interim Study. Rep. Claflin for Resources, Recreation and Development.

This bill left a lot of questions unanswered. Further study on a regional concept is needed. The Committee felt that this could be best accomplished by referring this bill to interim study and holding hearings in the area of this proposal so as to secure the input needed from the area communities. Unanimous vote of the Committee.

Rep. Wilfrid Boisvert moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Resources, Recreation and Development for Interim Study, and spoke to his motion.

Reps. Cort Hansen, Schreiber, Morrison, and Nancy Gagnon spoke against the motion.

Reps. Keefe, Wallin and Coutermarsh spoke in favor of the motion.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted.

Rep. Dickinson requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 136 NAYS 185  
YEAS 136

BELKNAP: Beard, Marsh and Sabbow.

CARROLL: Keller and Kenneth Smith.

CHESHIRE: Close, Slack, Terry and Terry Wigin.

COOS: Cooney, Fortier, Huggins, Hunt, Keough, Oleson, Theriault, Neila Woodward and York.

GRAFTON: Ira Allen, Buckman, Chambers, Clark, Cornelius, Dearborn, Logan, Snell, Taffe, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Aubut, Baker, Belanger, Emile Boisvert, Wilfrid Boisvert, Brody, Burke, Coburn, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, William Desmarais, Arline Dion, L. Penny Dion, Clyde Eaton, Gabrielle Gagnon, Kaklamanos, Karnis, Keefe, Lachance, LaFleur, Lamy, LaPlante, Martineau, McGlynn, McLaughlin, Morgan, Fred Murray, Nemzoff-Berman, Normand, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Polak, Record, Henry Richardson, Seamans, Simard, Soucy, Spirov, Stahl, Stylianos, Francis Sullivan, Wallace, Wallin, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bodi, Carroll, Milton Cate, Eugene Daniell, James Humphrey, McLane, Mullin, Packard, Pelton, Pratt, Ralph, Gerald Smith, Trachy and Ernest Valliere.

ROCKINGHAM: Akerman, Bisbee, Connors, Cotton, Flanagan, Gaskill, Goff, Hoar, Norton, Parolise, Quimby, Anthony Randall, Richards, Rossley, Alfreda Smith, Stratton, Helen Wilson and Zabarsky.

STRAFFORD: Bruce French, Charles Grassie, James Herchek, Joncas, Joos, Kincaid, Rod O'Connor, Dennis Ramsey, Ruel, Torrey and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Frizzell, Gray, Ingram, LeBrun and Scott.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Krause, Marshala, Matson, Moore, Parker, Proctor, Russell and Whipple.

COOS: Burns, Bradley Haynes, Horton, George Lemire, Poulin, Mabel Richardson, Alcide Valliere and Wiswell.

GRAFTON: Aldrich, Copenhaver, Crory, Duhaime, Gemmill, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Stomberg, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ainley, Bednar, Bosse, Bridges, Carswell, Mark Connolly, Corser, Joseph Cote, Catherine-Ann Day, Drewniak, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Knight, Levesque, Lyons, Marcoux, Martin, Morrison, Kerry O'Connor, O'Neil, Orcutt, Plomaritis, Podles, Sing, Leonard Smith, Kevin Sullivan, Harold Thomson, Van Loan, Geraldine Watson, Welch, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, John Cate, Chandler, Foley, Gamache, Richard Hanson, Hess, Kidder, LaBonte, Donna MacIvor, McNichol, Arthur Perkins, Rice, Rich, Stefanides, Stockman and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Blake, Blanchette, William Boucher, Cunningham, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Beverly Gage, Ganley, Gould, Greene, Grieco, Griffin, Hartford, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Niebling, Parr, Pucci, Rogers, Schwaner, Skinner, Splaine, Stimmell, Tavitian, Vlack, Webster, Wojnowski and Wolfsen.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Hebert, Horrigan, Kelly, Lefavour, Lessard, Maglaras, Maloomian, Meader, Nadeau, Osgood, Preston, Schreiber, Donald Smith, Valley, Voll and Shirley White.

SULLIVAN: Lewko, Lucas, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Question being on the committee report. Adopted.

Rep. Waters wished to be recorded in favor of the committee report, Refer to Interim Study.

NAYS 185

RECESS

BELKNAP: Bowler, Gary Dionne, Marshall French, Goyette, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

COMMITTEE REPORTS  
(Regular Calendar)

HBI 2011, relating to reorganization of state regulatory boards. Refer to the Special Committee on Licensing for Interim



Study. Rep. Close for Executive Departments and Administration.

Sponsor of this bill of intent requested its referral to the Special Committee on Licensing.

Referred to the Special Committee on Licensing for Interim Study.

HB 355, regulating health maintenance organizations. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill has been approved with amendments by the Office of Health Planning and Development and approval by counsel for Matthew Thornton Health Plan, Inc. and also the United Health Systems Agency, Inc. Commissioner Whaland also has been contacted and he is in agreement with this bill and amendments.

#### Amendment

Amend RSA 420-B:1, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. "Health care services" means physician, hospitalization, laboratory, x-ray service and medical equipment and supplies, which may include but are not limited to: medical, surgical, and dental care; psychological, obstetrical, osteopathic, optometric, optic, podiatric, chiropractic, nursing, physical therapy services, and pharmaceutical services; health education; preventive medical, rehabilitative, and home health services; inpatient and outpatient hospital services, extended care, nursing home care, convalescent institutional care, laboratory and ambulance services, appliances, drugs, medicines, and supplies; and any other care, service, or treatment of disease, correction of defects, or the maintenance of the physical and mental well-being of enrolled participants.

Amend RSA 420-B:7, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. The power to purchase, lease, construct, renovate, operate, or maintain medical clinics and their ancillary equipment as may reasonably be required for its principal office or for such other purposes as may be necessary in the transaction of the business of health maintenance organization;

Amend RSA 420-B:7, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. The power to make loans to a medical group under contract with the health maintenance organizations in furtherance of its program, or make loans to a corporation or corporations under its control for the purpose of acquiring or constructing medical clinics, or in furtherance of a program providing health care services to enrolled participants;

Amend RSA 420-B:9, I as inserted by section 1 and inserting in place thereof the following:

I. Every organization subject to this chapter annually within 120 days of the close of its fiscal year, shall file a report with the commissioner and with the commissioner of health and welfare, said report verified by an appropriate official of the organization, showing its financial condition on the last day of the preceding fiscal year.

Amend RSA 420-B:9, II (c) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(c) Such other information relating to the performance of the health maintenance organization as the commissioner or the commissioner of health and welfare may require.

Amend RSA 420-B:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

420-B:5 Issuance of Certificate of Authority. The commissioner shall issue a certificate of authority to any person filing an application within 90 days after filing of a completed application, payment of all required fees and receipt of endorsement or approval of the state health planning and development agency, as provided by law or regulation, if he is satisfied that the applicant is safe, reliable, entitled to confidence, in sound financial condition and that issuing the certification of authority would be in the public interest.

Amendment adopted.

Referred to Appropriations.

HB 869, clarifying the priority of claims against insolvent insurance companies. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill clarifies the priority of claims against insurance companies.

#### Amendment

Amend RSA 402-C:44, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Policy Related Claims. All claims by policyholders, including claims for unearned premiums in excess of \$50, beneficiaries, and insureds arising from and within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the company, any liability claims against insureds which claims are within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the company and claims of the New Hampshire Insurance Guaranty Association, the New Hampshire Life and Health Guaranty Association and any similar organization in another state. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds or



investment values, shall be treated as loss claims. That portion of any loss for which indemnification is provided by other benefits or advantages recovered or recoverable by the claimant shall not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities. No payment made by an employer to his employee shall be treated as a gratuity.

Amendment adopted.

Ordered to third reading

HB 943, relative to segregating adult literature from all other books in retail establishments. Ought to Pass with Amendment. Rep. Slack for Constitutional Revision.

The majority felt that this extremely important area had to be addressed with this type of legislation to help alleviate the critical problem of minors being exposed to harmful material. Under the existing statute a minor may go into any facility and be exposed to this demoralizing matter.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the crime of exposing minors to harmful materials.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Offense Expanded. Amend RSA 571-B:2, I (supp) as inserted by 1969, 252:1 as amended by inserting in line 2 after the word "provide" the following (or openly and publicly display) so that said paragraph as amended shall read as follows:

I. It shall be unlawful for any person knowingly to give, sell, loan or otherwise provide or openly and publicly display with or without monetary consideration, to a minor:

(a) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts sexual conduct and which is harmful to minors, or

(b) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in RSA 571-B:2, I (a) or explicit and detailed verbal descriptions or narrative accounts of sexual conduct and which, taken as a whole, is harmful to minors.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 1003, relative to union school district in Nashua. Ought to Pass with Amendment. Rep. Keefe for Education.

This will permit the voters of Nashua to determine whether or not they wish their school district to become independent. Vote was 13-0.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Membership of Board of Education Altered. Amend Laws of 1913, 437: part 1, section 75 as amended by 1971, 258:1 by striking out said section and inserting in place thereof the following:

SECTION 75. Governing Body. All the powers of the district shall be vested in a board of education of 9 members, hereinafter called the board. The board shall, at its first regular meeting in January choose one of its members as president for a term of one year. In the event of a vacancy occurring in the office of president, the board shall choose one of its members to serve for the unexpired term. The board shall, at its first meeting in January, choose a person who shall not be a member of the board to serve as clerk of the district, and shall choose some other person, who also shall not be a member of the board, as treasurer of the district and shall define their duties and determine their compensation. The district treasurer may be a regular employee of the district; the clerk may also be an employee of the district.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Budget Procedure. The board of education shall timely prepare an annual estimate of the district's expenditures for the ensuing fiscal year, itemized in such detail as may be required by the state board of education. A public hearing on this budget shall be held by the board of education at some convenient place in the district not later than 100 days prior to the beginning of the fiscal year, public announcement of the time and place of which shall be duly advertised not less than 10 days prior to such hearing. The budget appropriation shall be made by the board of education not later than 60 days prior to the beginning of the fiscal year for which it shall apply. No additional appropriation shall be made for any purpose not included in the annual budget as adopted, unless voted by 6 members of the board after a public hearing held to discuss such additional appropriation. Transfers within the budget may be made by majority vote of the board.

Amend the bill by striking out section 23 and inserting in place thereof the following:

23 Effective Date. Section 22 of this act shall take effect upon its passage and if the act is adopted as provided in said section, the remainder of the act shall take effect on July 1, 1978.

Amend the bill by striking out sections 3-6 and renumbering the original sections 7-23 to read as

3 , 4 , 5 , 6 , 7 , 8 , 9 , 10 , 11 , 12 , 13 , 14 , 15 , 16 , 17 , 18 , 19 respectively.

Amendment adopted.

Ordered to third reading.

HB 239, providing for local designation of certain specified resource areas as critical and locally regulating land use therein. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

Subject covered by HB 929.

Resolution adopted.

HB 836, relative to taxation of residence in industrial or commercial zones. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

The Committee felt that the current policy of selectmen not granting tax abatements for residences suddenly categorized in industrial or commercial zones as a growing problem. In many instances hardships have not been recognized, and older families have been forced to sell because the recategorizing of zones - from residential to commercial or industrial. HB 836 was amended to grandfather in residences in these zones. This special appraisal will become nullified when the residence no longer is used for a place of abode.

#### Amendment

Amend RSA 75:10, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following

II. "Residence" means the real estate which a person occupies as his principal place of abode, and for no other purpose, together with any land or buildings appurtenant thereto, including a house trailer if used for such purpose.

Amend RSA 75:11, I, III and VI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. The owner of record of any residence located in an industrial or commercial zone may make permanent application on or before April 15 of the same year to the selectmen or assessors, on a form prepared by the selectmen or assessors, for a special appraisal of the residence, based upon its value at its current use as a residence. If any owner shall satisfy the assessing officials that he was prevented by accident, mistake or misfortune from filing said application on or before April 15, said officials may receive said application at a later date and classify the residence hereunder; but no such application shall be received after the local tax rate has been approved by the commissioner of revenue administration for that year.

III. A list of all classified residences and their owners in each town or city shall be filed by the respective assessing officials each year. Such list shall be part of the invoice and subject to inspection as provided in RSA 76:7. The owner of a residence so classified shall be responsible for notifying the assessing officials of any change in use of the residence which would make it ineligible for special appraisal. Failure to so notify shall be a violation.

VI. The selectmen or assessors shall make a special appraisal of any eligible residence whose owner correctly applies in accordance with paragraph I, and shall assess the tax on that special appraisal.

Amend RSA 75:24 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

75:24 False Statement. Any person who shall make, or cause to be made any false or fraudulent application, return or statement with intent to defraud the towns or cities of any real property taxes which would be levied but for the provisions of this subdivision shall be guilty of a violation.

Amend RSA 75:10-25 as inserted by section 2 of the bill by striking out sections 14, 15, 17, 22, 23 and 25 and renumbering the original sections 16, 18-21, and 24 to read as

14 , 15 , 16 , 17 , 18 and 19 respectively.

Amendment adopted.

Ordered to third reading.

HB 941, permitting an appeal from the granting of a license to operate a motor vehicle junk yard. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

Under present law a person whose application to operate a motor vehicle junk yard is denied, may appeal that decision to the Superior Court by writ of certiorari.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 New Appeal Provided. Amend RSA 249-B:8 (supp) as inserted by 1967, 252:1 as amended by striking out in lines 13, 14 and 15 the words "a writ of certiorari lies from the denial of the application to the superior court of the county in which the proposed location is situated" and inserting in place thereof the following (Any person aggrieved by a decision of the commissioner to grant or deny the application may apply to the superior court within 30 days after the decision is rendered by the commissioner. Such person shall by petition state the grounds on which such decision is claimed to be illegal, unjust or unreasonable. Said court may hear evidence and make an order as justice may require, provided that the burden of proof shall be on the party appealing.) so that said section as amended shall read as follows:

249-B:8 Grant or Denial of Application; Appeal. After the hearing the commissioner of public works and highways shall, within 2 weeks, make a finding as to whether or not the application should be granted, giving notice of his finding to the applicant by mail, postage prepaid, to the address given on the application. If approved by the commissioner of public works and highways, the license including the certificate of approved location shall be forthwith issued to remain in effect until the following April 1. License approval is personal to the applicant for a specific location and is not assignable or transferable. Licenses shall be renewed annually thereafter on April 1, upon payment of the annual license fee without a hearing if all provisions of this chapter are complied with during the license period, and if the applicant is not convicted of any type of larceny or of receiving stolen goods. Any person aggrieved by a decision of the commissioner to grant or deny the application may apply to the superior court within 30 days after the decision is rendered by the commissioner. Such person shall by petition state the grounds on which such decision is claimed to be illegal, unjust or unreasonable. Said court may hear evidence and make an order as justice may require, provided that the burden of proof shall be on the party appealing.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 1020, relative to the development of aquaculture. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

Aquaculture will be increasingly important in the future and it appears wise to make possible its development in New Hampshire. The amendment provides a license for mariculture and this will legalize experimental work already in progress.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the development of aquaculture and

permitting a special license for mariculture.

Amend RSA 212-A:7, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. The leasing rent shall not be less than \$5 or more than \$50 per acre payable on an annual basis and deposited to the general fund. For areas leased of less than one acre, the fee shall be the established fee for one acre.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Special License for Mariculture. Amend RSA 211 by inserting after section 62-d the following new section:

211:62-e Mariculture. Notwithstanding the provisions of RSA 211:18 through 211:61, or any other provision of law regulating the time, place, size, condition, amount and manner of taking fish or shellfish, the director may issue a special license to qualified residents and qualified New Hampshire domestic corporations, to allow, for the purpose of scientific research or aquaculture (which includes mariculture) undertaken pursuant to regulations issued by the director with the approval of the commission, the taking, possession, transportation, rearing and sale of marine animals.

I. Requirements. In order to qualify for such a license, an applicant must:

(a) Be engaged in bona fide scientific research, or be engaged in or propose to engage in the active cultivation of marine species requiring management and harvesting techniques utilized in the practice of aquaculture;

(b) File a description of the proposed project with the director describing the objectives, the location, the estimated time of completion and the section or sections of the fishery laws that need to be suspended to carry out the project; and

(c) Pay a filing fee of \$50; provided, that no fee will be required for research activity undertaken by institutions or organizations financed in whole or in part by funds provided by the state of New Hampshire.

II. Special licenses granted. The director may grant such a license subject to such conditions as he deems advisable to protect fishery resources and assure compliance with environmental, health and safety requirements. Such license may be issued for one year, and may be renewed for an additional four years without a new application, provided that the conditions attached to such license have been met, and provided that the annual license fee is paid.

(a) Any individual engaged in the handling or harvesting of fish or other marine organisms in any research or aquaculture project for which a special license has been issued, must be registered with the department and listed in such license; and

(b) In addition to the filing fee, there shall be an annual license fee in the amount of \$15 for the license holder and \$10 for each individual registered with the department listed on the license as authorized to work on the project, not to exceed a maximum annual fee of \$50.

III. Transportation permit. Any person engaged in the cultivation of fish or shellfish under a special license may ship, transport, or sell such fish, providing that, in addition to compliance with state or federal health requirements and regulations, that a transportation permit be obtained from the director, and



that all fish shipped, transported or sold shall be tagged with the name and address of the cultivator and the number of the license under which the exemption from the fishery laws was granted. A transportation permit shall be valid so long as the holder thereof possesses a valid special license issued pursuant to this section.

IV. Enforcement, Right of Entry. The director shall have the authority to suspend or revoke any license or permit issued pursuant to this section, following a hearing, if he finds that any rule or regulation in force, or any condition of such license or permit has been violated, or that continuation of the licensed project poses an imminent threat to the public health and welfare. Employees of the department shall have a right to enter the business premises of any person licensed pursuant to this section, for the purpose of undertaking enforcement activities.

V. Record Keeping. Each licensee shall maintain records of activities undertaken under the license, and such records shall be open for inspection by the department at reasonable times.

Amendment adopted.

Referred to Appropriations.

HB 1118, requiring local public hearings before the director, division of public health services, approves public disposal facilities. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

The Committee agrees a public hearing is desirable but that the cost to the state department under present budget restraints would be prohibitive. There will be a series of public hearings on disposal facilities during the development of the state plan. Resolution adopted.

HB 1120, relative to current use assessment. Inexpedient to Legislate. Rep. Rogers for Environment and Agriculture.

The problem that this bill aims to address - excessive speculation in the sale of land - is better met through a capital gains tax, which is currently under discussion in the Ways and Means Committee. Resolution adopted.

HB 268, requiring public utilities commissioners to serve in a full-time capacity. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

This subject handled more comprehensively by Senate Bill 50. Resolution adopted.

HB 608, relative to the responsibilities and reorganization of the division of mental health and making an appropriation therefor. Ought to Pass

with Amendment. Rep. Roderick O'Connor for Executive Departments and Administration.

This bill, as amended, creates the position of Deputy Director of Mental Health for administration. The bill locates New Hampshire administrative statutes in one place. The Director will have power to reorganize the division only until July 1, 1978. The amendment restricts the power of the Director to allocate funds and personnel to community centers. This provision was placed in at the direction of the subcommittee on the bill, not the Director. Executive Departments and Administration is supporting a resolution to permit the Committee to study further reorganization of the division. Vote was 12-1.

#### Amendment

Amend RSA 126-D:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:3 Director of Division of Mental Health and Developmental Services. There shall be a director of the division of mental health and developmental services who shall be a physician-psychiatrist licensed or eligible for licensure as an M.D. in New Hampshire and certified or eligible for certification by the American Board of Neurology and Psychiatry. Administration and executive direction of the division of mental health and developmental services including, but not limited to, supervision of New Hampshire hospital and Laconia state school and training center, shall be under the direction of the director of mental health and developmental services, who shall be appointed by the governor and council from 2 or more nominees or, if agreeable to the governor, a lesser number of candidates nominated by the commissioner of health and welfare only after consultation with the advisory commission and a select committee consisting of persons interested and knowledgeable in the field of mental health, appointed by the advisory commission. The director shall hold office for a term of 4 years from the date of his appointment and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. He may, in his discretion, establish advisory committees to assist him in developing programs and policies. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

Amend RSA 126-D:5-7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:5 Acting Director of Division; Vacancy. The commissioner, after consultation with the health and welfare advisory commission, shall appoint the



deputy director of the division to have all the powers, duties and authority of the director during a temporary vacancy in the director's office.

126-B:6 Deputy Director for Administration and Support. There shall be a deputy director for administration and support of the division. The director of the division, after consultation with the advisory commission, and the commissioner, shall nominate one or more persons duly qualified through training or experience in the field of developmental services or mental health services. From those nominated, the governor and council shall appoint a deputy director for administration and support who shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

126-D:7 Deputy Director for Administration and Support; Duties. Duties of the deputy director for administration and support shall be:

I. Under the general supervision of the director, to supervise the establishment of and oversee the operation of a unified system of mental health services and services for developmentally disabled persons; and

II. To assist the director in such other manner as the director deems appropriate.

Amend RSA 126-D:9 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:9 Salaries of Director; Deputy Director. The annual salaries of the director and deputy director shall be prescribed by RSA 94:1-6.

Amend RSA 126-D:11-12 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:11 Director; Duties. The director of the division of mental health, and developmental services, department of health and welfare, under the supervision and direction of the governor and council, shall have charge of the property and concerns of the hospital and the Laconia state school and training center, shall see that affairs are conducted properly, may enter into and bind the hospital and the Laconia state school and training center by such contracts relative to the support of patients and the affairs of the hospital and the Laconia state school and training center as he may deem advantageous, and may receive, appropriate, control, convey, or invest any property given to or owned by the hospital and the Laconia state school and training center in such manner as he may think expedient.

126-D:12 Superintendent. The director of the division of mental health and developmental services, after consultation with the advisory commission

and the commissioner, shall nominate one or more persons duly qualified through training or experience to serve as superintendent of the N.H. hospital. From those nominated the governor and council shall appoint a superintendent who shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

Amend RSA 126-D:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:14 Assistant Superintendent for Administration and Support. The superintendent of the New Hampshire Hospital, subject to the approval of the director, shall appoint an assistant superintendent for administration and support. The superintendent, with the approval of the director, shall prescribe the qualifications and duties of the assistant superintendent for administration and support. The assistant superintendent for administration and support shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. In the absence or disability of the superintendent, the assistant superintendent for administration and support shall perform all the duties of the superintendent.

Amend RSA 126-D:20 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:20 Rules. The director may make such regulations, subject to the provisions of RSA 541-A, for the management of the hospital and all persons connected therewith, and for the admission and care of patients, and may alter the same from time to time, as convenience may require.

Amend RSA 126-D:27-29 as inserted by section 1 of the bill by striking same and inserting in place thereof the following:

126-D:27 Patient Employment. The New Hampshire hospital is authorized to employ patients of said hospital to perform such services as may be determined as not necessarily being beneficial for the care and treatment of any such patients. Such patients shall not be state employees, and they shall be paid no less than the prevailing federal minimum wage. Payment of wages to such patient workers shall be made through a payment program which does not conflict with federal requirements.

126-D:28 Mentally Ill Persons. The state shall have the care, control, and treatment of all mentally ill persons.

126-D:29 Commitment for Observation. When a person is indicted for any offense or is bound over by any district or municipal court to await the action of the grand jury, the superior court before

which he is to be tried, if a plea of insanity is made in court, or said court is notified by either party that there is a question as to the sanity if the respondent, may make such order for a pre-trial psychiatric examination of such person by a psychiatrist on the staff of any public institution or by a private psychiatrist as the circumstances of the case may require, which order may include, though without limitation, examination at the New Hampshire hospital on an out-patient basis, the utilization of local mental health clinics on an in- or out-patient basis, or the examination of such person, should he be incarcerated for any reason, at his place of detention by psychiatrists assigned to a state or local mental health facility. Such pre-trial examination shall be completed within 30 days after the date of the order for such examination.

Amend RSA 126-D:35 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:35 Investigation of Detention. The superior court shall at any time, with or without notice, upon application and due cause shown, investigate the question whether there is sufficient reason for the detention in said hospital of any person who has been committed thereto by criminal proceedings, and shall order his discharge, when such order ought to be made, without the formality of writ.

Amend RSA 126-D:38-41 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:38 Transfer of Patients. The director, in consultation with the advisory commission, may enter into an agreement with the similar board or officer of any other state for the transfer of mentally ill persons from one state to the other where they may be deemed equitably to belong, after an investigation of the facts connected with each case.

126-D:39 Record; Reports. The director, in consultation with the advisory commission, shall keep a correct record of the number of admissions, discharges, and deaths at each state institution for mentally ill or developmentally disabled persons, and of the age and sex of each person admitted, discharged, or deceased, and shall report the same annually to the governor and council, with any other matters or recommendations which the director, in consultation with the advisory commission, considers important.

126-D:40 Information. The superintendent of New Hampshire Hospital and the superintendent of the Laconia state school and training center shall at all times furnish to the director such information regarding the mentally ill and developmentally disabled in their charge as the director may request.

126-D:41 Superintendent of Laconia State School and Training Center. The

director of the division, after consultation with the advisory commission and the commissioner, shall nominate one or more persons duly qualified through training or experience to serve as superintendent of Laconia state school and training center. From those nominated, the governor and council shall appoint a superintendent who shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. The superintendent shall be responsible for the administrative and executive direction of the Laconia state school and training center. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

Amend RSA 126-D:43-44 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:43 Assistant Superintendent for Administration and Support; Laconia State School. The superintendent of Laconia state school and training center, subject to the approval of the director, shall appoint an assistant superintendent for administration and support. The superintendent with the approval of the director, shall prescribe the qualifications and duties of the assistant superintendent for administration and support. The assistant superintendent for administration and support shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. In the absence or disability of the superintendent, the said assistant superintendent for administration and support shall have all the powers and duties of the superintendent.

126-D:44 Compensation. The annual salaries of the superintendent and assistant superintendent shall be as prescribed by RSA 94:1-6. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

Amend RSA 126-D as inserted by section 1 of the bill by striking out sections 8, 18, 37, and 45-48 and renumbering the original sections 9-44 to read as

8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41 respectively.

Amend RSA 94:1-a as inserted by section 2 of the bill by striking out the lines:

Deputy director for mental health services	31,000	35,000
Deputy director for developmental services	31,000	35,000

and inserting in place thereof the following:

Deputy director of division of mental health for administration and support	31,000	35,000
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Amend the bill by striking out sections 6 and 7 and inserting in place thereof the following:

6 Appointment of Superintendent of Laconia State School and Training Center. Notwithstanding the provisions of RSA 126-D:41 as inserted by section 1 of this act, and RSA 21:33-a, the superintendent of the Laconia state school and training center in office on the effective date of RSA 126-D shall continue in office for a term of 4 years from the effective date of RSA 126-D, subject to the conditions of RSA 126-D:41.

7 Assistant Superintendent for Administration and Support; Laconia State School and Training Center. Notwithstanding the provisions of RSA 126-D:43, as inserted by section 1 of this act, and RSA 21:33-a the assistant superintendent for administration and support of the Laconia state school and training center in office on the effective date of RSA 126-D shall continue in office for a term of 4 years from the effective date of RSA 126-D, subject to the conditions of RSA 126-D:43.

Amend the bill by striking out section 14, II and inserting in place thereof the following:

II. RSA 126-A:30 relative to the superintendent of the Laconia state school.

Amend section 14 of the bill by inserting after paragraph IV the following new paragraph;

V. RSA 126-A:4-d relative to restructuring the division of mental health and developmental services.

Amend the bill by striking out all after section 14 and inserting in place thereof the following:

15 Transfer of Funds, Personnel. Amend RSA 126-B by inserting after section 11 the following new section:

126-B:11-a Transfer of Funds, Personnel.

I. The director may, with the consent of the commissioner, the governor and council, the legislative fiscal committee and the board of directors of the appropriate community mental health programs, transfer funds appropriated to the division to a community mental health center to accomplish the purposes of this chapter.

II. The director may provide professional staff service to a community mental health program subject to the approval of the commissioner, after consultation with the appropriate appointing authority and the executive administrative officer of the community mental health program. Any staff so transferred shall be under the administrative direction of the community mental health program.

16 Transfer of Funds, Personnel. Amend RSA 171-A by inserting after section 4 the following new section:

171-A:4-a Transfer of Funds, Personnel.

I. The director may, with the consent of the commissioner, the governor and council, the legislative fiscal committee and the board of directors of the appropriate community mental health programs, transfer funds appropriated to the division to a community mental health

center to accomplish the purposes of this chapter.

II. The director may provide professional staff service to a community mental health program subject to the approval of the commissioner, after consultation with the appropriate appointing authority and the executive administrative officer of the community mental health program. Any staff so transferred shall be under the administrative direction of the community mental health program.

17 Director to Report. The director of the division of mental health shall report to the chairman of the house executive departments and administration and the senate executive departments, municipal and county governments committees on any proposal for the reorganization of the division at least 30 days before the convening of any special session of the 1977 general court.

18 Effective Date. This act shall take effect July 1, 1977, except for section 14, paragraph V, which shall take effect July 1, 1978.

Amendment adopted.

Referred to Appropriations.

HB 797, relative to the method of payment to certain employees of the greyhound racing commission. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

This bill would undo what was accomplished by the passage of HB 437 and would require payment of a separate sum for each racing program. Resolution adopted.

HB 802, relative to the system of birth registration. Ought to Pass. Rep. J. Herchek for Executive Departments and Administration.

Passage of this bill will result in the revision and updating of statistical procedure as recommended by the National Bureau of Vital Statistics. Vote of Committee was 14-1.

Ordered to third reading.

HB 1015, relative to the liability of veterinary board and engineers board. Ought to Pass. Rep. Close for Executive Departments and Administration.

Adds these two boards to the list of those organizations whose members are protected from liability. Ordered to third reading.

HB 313, prescribing the manner of posting land and providing a penalty for trespassing on posted land. Ought to Pass with Amendment. Rep. Stimmell for Fish and Game.

The Committee was in favor of the rules for posting land but thought the penalties were unnecessary. Committee vote was 16-1.



## Amendment

Amend RSA 635:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

## 635:4 Prescribed Manner of Posting.

A person may post his land to prohibit criminal trespass and physical activities by posting signs of durable material with any words describing the physical activity prohibited, such as "No Hunting or Trespassing", printed with block letters no less than 2 inches in height, and with the name and address of the owner or lessee of such land. Such signs shall be posted not more than 50 yards apart on all sides and shall also be posted at gates, bars and commonly used entrances. This section shall not prevent any owner from adding to the language required by this section.

Amend RSA 635:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

635:5 Penalty. Any person who is found removing, defacing or destroying any sign, poster or property of another, shall be guilty of a misdemeanor.

Amendment adopted.

Ordered to third reading.

HB 906, relative to the appointment and qualifications of the fish and game commission and providing for the appointment and removal of the executive director of the fish and game department. Ought to Pass with Amendment. Rep. Stimmeil for Fish and Game.

This bill changes term of director of Fish and Game and adds qualifications for commissioners of the Fish and Game Department. Vote was 16-2.

## Amendment

Amend RSA 206:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

206:2 Appointment of Commission. The commission shall consist of 11 members each qualified pursuant to RSA 206:2-a, appointed by the governor and council. Whenever an appointment is to be made to the commission, the governor shall cause to be published the name of his nominee in a newspaper of statewide daily circulation for 2 consecutive days beginning on the day after the name of the nominee is submitted to the council. The council may not consent to an appointment under this section sooner than 30 days after the name of the nominee is submitted to the council.

Amend RSA 206:2-a, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

## 206:2-a Qualifications of Commissioners.

1. Each member of the commission shall be a resident of a different county in the state except that one commission member shall be a resident of one of the coastal towns of Portsmouth, Seabrook, Rye, Hampton, North Hampton or New Castle, and not more than 6 commissioners shall be members of the same political party.

Amend RSA 206:2-a, II as inserted by section 1 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) The coastal commission member shall have general knowledge on all crustaceans and bivalves in coastal waters and salt water fishing in general.

Amend RSA 206:8, I as inserted by section 4 of the bill by striking out said paragraph and inserting in place thereof the following:

1. The fish and game commission shall appoint an executive director of the fish and game department who shall be a person with knowledge of, and experience in, the requirements for the protection, conservation and restoration of the wildlife resources of the state and who shall be a competent administrator. The executive director shall hold office for a term of 5 years from the date of his appointment and until his successor is appointed and qualified. A vacancy in such office shall be filled for the unexpired term. The governor and council shall have the authority to remove the executive director at any time but only for just cause pursuant to RSA 4:1. In such case, the governor and council shall deliver to the executive director a copy of the charges against him and afford him an opportunity of being heard publicly in his own defense in person or by counsel after being given not less than 15 days' notice. The executive director shall not hold any other public office, and shall devote his entire time to the service of the state in the discharge of his official duties. He shall receive the compensation prescribed by RSA 94:1 - 4, and shall be reimbursed for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties. Before entering upon the duties of his office, he shall take the oath prescribed by the constitution, and shall, in addition thereto, swear that he holds no other public office, nor any position under any political committee or party. Such oath shall be filed with the secretary of state. He shall have general supervision and control of all activities, functions and employees of the fish and game department, and shall enforce all the provisions of the laws of this state relating to fish, wildlife resources and marine species, and shall exercise all necessary powers incident thereto. All activities performed by the executive director pursuant to Title XVIII shall be with the approval of the commission.

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Incumbent Director. The tenure of the director of the fish and game department serving in office on the effective date of this act is extended to December 31, 1977, with the same effect as if he had received an appointment as executive director under RSA 206:8, expiring on said date.

Amendment adopted.

Ordered to third reading.



HB 640, relative to the regulation of physical therapists. Ought to Pass with Amendment. Rep. Blanchette for Health and Welfare.

The amendment strikes out all of section II. The revision or new section includes physical therapist assistants and provides standards for the profession.

#### Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Assistant Defined. Amend RSA 328-A:1 by inserting after paragraph III the following new paragraph:

IV. "Physical therapist assistant" means an individual who assists in the treatment of patients under the supervision of a registered physical therapist. The extent and type of supervision shall be determined by the supervising physical therapist.

4 Registration. Amend RSA 328-A:2 (supp) as inserted by 1963, 146:1 as amended by striking out said section and inserting in place thereof the following:

328-A:2 Registration Required. From and after the effective date of this chapter, no individual shall practice nor indicate ability to practice or designate himself or allow himself to be designated as a physical therapist in this state unless he is registered or otherwise licensed in accordance with the provisions hereof; except that these provisions shall not be construed to prohibit students who are enrolled in schools or courses in physical therapy approved by the board from performing such work as incidental to their respective courses of study, under the direct supervision of a registered physical therapist. Any physical therapist who is a graduate of a school approved by the board but not registered in this state, may, with the approval of said board upon receipt of application for registration, obtain a temporary certificate valid for 6 months from the board to practice physical therapy in this state under the direction and supervision of a registered physical therapist. If approved by the board, a temporary certificate shall be issued within 10 days after receipt of application for registration. Not more than one such temporary certificate shall be issued to any eligible person.

5 Assistant Registration. Amend RSA 328-A by inserting after section 2 the following new section:

328-A:2-a Physical Therapist Assistant Registration. Physical therapist assistants shall apply for and obtain registration within 6 months of application within this state. A temporary certificate of registration for physical therapist assistants shall be issued according to guidelines established by the physical therapist board. To be eligible for registration by the board as a physical therapist assistant, an

applicant shall: (a) have completed an approved program for physical therapist assistants offered by a college and recognized by an accrediting agency and, (b) pass, to the satisfaction of the board, examinations conducted by it. Any person who is not a graduate of an accredited program shall be considered for application for registration by the board upon receipt of certified documentary evidence of his training and satisfactory references concerning professional behavior and ability. The board may register as a physical therapist assistant, without examination, an applicant who has passed a qualifying examination for physical therapist assistants which is acceptable to the board or who is licensed under the laws of another state or territory whose requirements the board deems equal to those in this state.

6 Qualifications. Amend RSA 328-A:3 (supp) as inserted by 1963, 146:1 as amended by striking out said section and inserting in place thereof the following:

328-A:3 Conditions of Registration. To be eligible for registration by the board as a physical therapist, an applicant must: (a) be at least 18 years of age, (b) display professional behavior, (c) have completed an approved course in physical therapy in a school maintaining at the time of applicant's graduation, a standard satisfactory to the board, (d) pass an examination to the satisfaction of the board.

7 Registration Fee. Amend RSA 328-A:4 as inserted by 1963, 146:1 by striking out said section and inserting in place thereof the following:

328-A:4 Endorsement. In lieu of examination the board may, in its discretion, register as a physical therapist, without examination, on the payment of \$40, and register as a physical therapist assistant, without examination, on the payment of \$20, an applicant who has passed a qualifying examination for physical therapists which is acceptable to the board or who is licensed under the laws of another state or territory, whose requirements, including a written examination, the board deem equal to those in this state.

8 Examinations. Amend RSA 328-A:5 as inserted by 1963, 146:1 by striking out said section and inserting in place thereof the following:

328-A:5 Examination. The board shall hold examinations for applicants who comply with the provisions of RSA 328-A:3 and 13. The written examination shall be provided by the professional examination services who will be responsible for reporting examination results to the board. The physical therapy advisory committee shall be responsible for reviewing the examination results and making their recommendations to the board. Examinations shall be held within the state, at least 3 times a year, at such time and place as the board shall determine. An applicant shall pay to the

board a fee in an amount determined by the board prior to the examination. An applicant who fails to pass a satisfactory examination shall be entitled to 2 reexaminations within a period of 6 months, the first reexamination without additional fee.

9 Assistant Examinations. Amend RSA 328-A by inserting after section 5 the following new section:

328-A:5-a Physical Therapist Assistant Examination. The board shall hold examinations for applicants who comply with the provisions of RSA 328-A:2-a. The examination shall be provided by the professional examination services who will be responsible for reporting examination results to the board. An applicant who fails to pass a satisfactory examination shall be entitled to reexamination within a period of 6 months without additional fee. The board shall register as a physical therapist assistant each applicant who proves to the satisfaction of the board his ability for registration under the terms of this chapter.

10 Registration Qualifications. Amend 328-A:6 as inserted by 1963, 146:1 by striking out said section and inserting in place thereof the following:

328-A:6 Registration. The board shall register as a physical therapist each applicant who proves to the satisfaction of the board his ability for registration under the terms of this chapter. It shall issue to each person registered a certificate of registration, which shall be prima facie evidence of the right of the person to whom it is issued to represent himself as a registered physical therapist, subject to the conditions and limitations of this chapter.

11 Renewal Fee Changes. Amend RSA 328-A:7 as inserted by 1963, 146:1 by striking out said section and inserting in place thereof the following:

328-A:7 Renewal of Registration. Applications for renewal of registration shall be filed on or before December 31 of each year accompanied by a fee in an amount determined by the board not to exceed 50 percent of the initial fee. All registrations issued under this chapter expire on December 31 each year unless previously suspended or revoked. Applications filed after December 31 and before January 15 must be accompanied by a fee in an amount determined by the board not to exceed 50 percent of the initial fee. All renewal registrations granted between January 1 and January 15, inclusive, shall be retroactive to January 1. An application for renewal of registration after January 15 shall only be granted upon reapplication for registration.

12 Eligibility. Amend RSA 328-A:8, as inserted by 1963, 146:1 by striking out said section and inserting in place thereof the following:

328-A:8 Eligibility. Any person who is a registered physical therapist in the state on the effective date of this

chapter is eligible for renewal of registration.

13 Revocation. Amend RSA 328-A:9 as inserted by 1963, 146:1 by striking out said section and inserting in place thereof the following:

328-A:9 Revocation and Suspension of Registration.

I. The board, after hearing, may suspend or revoke the registration of any registrant who has obtained it by fraudulent means, who is mentally or professionally unfit, who has been convicted of a felony or who is guilty of malpractice or gross misconduct in the practice of his profession as such registrant, or who has treated or undertaken to practice independent of the referral or prescription, direction and supervision of a person licensed to practice medicine or dentistry. Reasonable notice of a proceeding to suspend or revoke the registration of a registrant shall contain also the cause alleged against him and the time and place of the hearing.

II. The board, after hearing, may suspend or revoke the registration of a physical therapist assistant who has undertaken to practice independent of supervision of a registered physical therapist.

14 Referral from Physician. Amend RSA 328-A:12 as inserted by 1963, 146:1 by striking out said section and inserting in place thereof the following:

328-A:12 Practice of Registered Physical Therapist (designated R.P.T.). A person registered under this chapter as a physical therapist shall not treat human ailments by physical therapy or otherwise except under the referral or prescription and supervision of a person licensed to practice medicine or dentistry. Nothing in this chapter shall be construed as authorizing a registered physical therapist to practice medicine, osteopathy, chiropractic, or any other form or method of healing except physical therapy.

15 Foreign Physical Therapist. Amend RSA 328-A:13, as inserted by 1963 146:1, by striking out said section and inserting in place thereof the following:

328-A:13 Foreign Trained. A physical therapist trained in a foreign country and who has graduated from a school of physical therapy, approved by the board, shall be required to take the examinations for registration. Until the foreign trained physical therapist has successfully passed the examination he shall be considered as a non-registered applicant and granted a temporary certificate which shall be valid for one year upon his employment in this state as a physical therapist.

16 Duties. Amend RSA 328-A:14, as inserted by 1963, 146:1, by striking out said section and inserting in place thereof the following:

328-A:14 Powers and Duties of Board. The board in cooperation with the physical therapy advisory committee is authorized

to adopt reasonable rules and regulations to carry out this chapter into effect and may amend and revoke such rules and regulations at its discretion subject to RSA 541-A. The board shall keep a record of its proceedings under this chapter and a register of all persons registered under it. The register shall show the names of every living registrant, his last known place of business and last known place of residence and date and number of his registration and certificate, as a registered physical therapist. The board shall, once each year, compile and publish a list of registered physical therapists and registered physical therapist assistants. All fees collected by the board under the provisions hereof shall be used for the purpose of this chapter.

17 Penalties. Amend RSA 328-A:15 (supp) as inserted by 1963, 146:1, as amended, by striking out said section and inserting in place thereof the following:

328-A:15 Penalties. Notwithstanding the provisions of Title LXII, any person who violates a provision of this chapter or any rule or regulation of the board promulgated hereunder shall be fined not more than \$100 or imprisoned for not more than 6 months, or both such fine and imprisonment. Any person who shall knowingly make false statement in his application for registration hereunder or in response to any inquiry by the board shall be fined not more than \$50.

18 Membership of Advisory Committee. Amend RSA 328-A:16 as inserted by 1963, 146:1 by inserting in line 3 after the word "therapists" the following (and a physical therapist assistant,) so that said section as amended shall read as follows:

328-A:16 Advisory Committee. There is hereby established a committee who shall serve in an advisory capacity to the board. Said committee shall consist of 2 physical therapists and a physical therapist assistant registered under the laws of this state, and a physician, skilled in the practice of physical medicine, appointed by the board biennially beginning on January first of each even-numbered year. Members of said committee shall serve without compensation. It shall be the duty of said committee to review all applications for registration and to make recommendations to the board in connection therewith.

19 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 743, relative to the placement of a child alleged to be neglected, delinquent or a person in need of supervision. Inexpedient to Legislate. Rep. Blanchette for Health and Welfare.

This bill clarifies the term, children in danger of becoming delinquent and prohibits the placement of PINS and delinquent in the custody of the

Director of the Division of Welfare and on probation at the same time. It also prohibits placing PINS and delinquents in the Director of the Division of Welfare's custody at anytime. It was the feeling of the Committee that these juveniles do not belong under probation and that they could benefit more by welfare services rather than probation services. The Committee vote was 15-0. Resolution adopted.

HB 828, creating the position of deputy commissioner of health and welfare. Ought to Pass. Rep. Daniell for Health and Welfare.

Creates the position of Deputy Commissioner of Health and Welfare and drops the position of Business Administrator V. Vote was 13-2. Referred to Appropriations.

HB 969, establishing a bureau of community living in the office of the director of the division of mental health. Ought to Pass. Rep. Blanchette for Health and Welfare.

This bill eliminates the Bureau of Family Care and establishes the Bureau of Community Living. The bill does not create any new positions. Vote was 11-1.

Referred to Appropriations.

HB 1021, requiring the filing of relinquishments with the department of health and welfare. Ought to Pass with Amendment. Rep. Knight for Health and Welfare.

Requires the filing of relinquishments with the Department of Health and Welfare. The Committee vote was 15-0.

#### Amendment

Amend RSA 170-B:8, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

1. A relinquishment shall be made to the division or a licensed child-placing agency unless the parental rights of a parent have been terminated under RSA 170-C. A relinquishment executed and acknowledged in accordance with RSA 170-B:8, II, shall give the care, custody, and control of the child to be adopted, including the right to consent to such adoption, to the agency taking such relinquishment. After the judge of probate or his designated person has completed the relinquishment form, if care, custody and control of the child is given in the division, the division shall keep the form on file. If care, custody and control is given to a licensed child-placing agency, the relinquishment shall be filed directly with the division by such agency receiving the child for placement. The child-placing agency which has custody of the child may obtain copies of the relinquishment relating to such child upon request of the division and upon payment of the costs of making such copies.



Amendment adopted.  
Ordered to third reading.

HB 1129, relative to the rights of the mentally disabled. Inexpedient to Legislate. Rep. Madeline Townsend for Health and Welfare.

This bill was withdrawn at the request of the sponsor.  
Resolution adopted.

HB 1136, relative to the New Hampshire - Maine boundary dispute. Refer to the Supreme Court for an Advisory Opinion. Rep. Marshall French for Interstate Cooperation.

After talking with the Attorney General, the Committee felt that there was some question as to the constitutionality of the bill. Because of the support the bill had in terms of the number of sponsors, the Committee felt that the question of constitutionality should be resolved.  
Adopted.

#### HOUSE RESOLUTION NO. 39

requesting an opinion of the justices on the constitutionality of HB 1136.

WHEREAS, the House of Representatives has under consideration House Bill 1136, An Act relative to the New Hampshire - Maine boundary dispute, which purports to declare the intention of New Hampshire General Court in resolving the marine dispute between New Hampshire and Maine; and

WHEREAS, section 2 of the bill declares that the agreement made by the then attorney general, deputy attorney general and special counsel for New Hampshire that resulted in a consent decree issued by the United States Supreme Court is null and void; and

WHEREAS, a question has arisen as to the constitutionality of House Bill 1136; now, therefore, be it

RESOLVED by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following question:

Can a New Hampshire statute declaring that the lateral marine boundary between New Hampshire and Maine is or ought to be different from the boundary as specified in the decree of the Supreme Court of the United States in New Hampshire vs Maine 48 L. Ed. 2d 701 (1976) supersede or in any way affect the validity of that decree?

Be It Further Resolved, that the clerk of the House of Representatives transmit seven copies of this resolution to the Justices of the Supreme Court along with copies of the bill.

The Assistant clerk read the resolution.  
Resolution adopted.

Rep. Appel wished to be recorded in favor of HB 1136.

HB 787, relative to mental health evaluations of minors before the juvenile court. Ought to Pass with Amendment. Rep. Arthur Perkins for Judiciary.

This allows a juvenile at the discretion of the court, together with parents, guardian or person with custody or control, to submit to mental health evaluation.

#### Amendment

Amend RSA 169:9-a, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

169:9-a Mental Health Evaluation. Any minor before the court shall, at the discretion of the court, together with parents, guardian or person with custody or control submit to a mental health evaluation to be completed within 60 days, by an agency other than the New Hampshire hospital, approved by the director of the division of mental health, of the department of health and welfare, a psychologist certified in New Hampshire, or a qualified psychiatrist, provided that the evaluation may be performed by the New Hampshire hospital upon certification to the hospital and the director of the division of mental health by the local community mental health center established pursuant to RSA 126-B that such center cannot provide a complete evaluation within 60 days. A written report of the evaluation shall be given to the court before the hearing on the merits is held. If the parents or guardian of the minor object to the mental health evaluation, they shall object in writing to the court having jurisdiction of the matter within 5 days after notification of the time and place of said evaluation, and the court shall hold a hearing to consider the objection prior to ordering said evaluation or, upon good cause shown, may excuse the minor from the provisions of this section. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluating facility, agency or individual shall keep records, but no reports or records of information contained therein shall be made available, other than to the court, except upon the written consent to the person examined or treated, and except as provided in RSA 169:22. The expense of such evaluation is to be borne by the person or persons chargeable by law for the child's necessities, unless the court finds that such person or persons do not have sufficient ability to pay, in which case the expense is to be borne by the city or town in which the child resides.

Amendment adopted.  
Ordered to third reading.

HB 600, relative to the importation of dogs and cats into the state and the sale of same. Ought to Pass with Amendment.



Rep. Pepitone for Municipal and County Government.

In addition to increasing retail licensing fees, this is a consumer protection bill which puts more stringent controls on animals brought into the state for retail sale. The intent is to prevent the sale of unhealthy animals and protect the consumer from unjustified expenses incurred as a result of purchasing unhealthy pets.

#### Amendment

Amend RSA 443-A:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

443-A:2 Licenses. Applications for licenses shall be made annually in writing to the department of agriculture accompanied by a license fee of \$100. After January 1, the license fee shall be \$50. If after inspection such department finds that the premises, cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, a license shall be issued. Licenses shall expire on June 30 following issue, and may be renewed on application to the department of agriculture accompanied by renewal fee of \$100. Such licenses shall be in the form prescribed by the state department of agriculture, shall be publicly displayed at the premises covered thereby and adjacent to animal display cages. Each such license shall be subject to revocation at any time by the department of agriculture if in the judgment of such department the conditions under which it was issued are not being maintained. Each licensee shall be inspected by an employee of the department of agriculture or by a person appointed by the department of agriculture no less frequently than every 6 months and upon receipt of a written complaint by a duly authorized officer or employee of an incorporated or chartered licensed humane society alleging violation of this chapter, the department of agriculture shall investigate said complaint within 3 business days. All license fees shall be deposited in the state treasury to the account of the department of agriculture to be used for the enforcement of this chapter.

Amend RSA 443-A:9 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

#### 443-A:9 Dogs and Cats.

I. No dog or cat shall be brought or shipped into the state for resale, without first being protected against distemper, hepatitis and leptospirosis, and unless accompanied by an official health certificate issued by a licensed veterinarian. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be kept by party receiving

said dog or cat for a period of 3 years and one copy of which shall be given to the purchaser upon resale as provided in paragraph III.

II. For purposes of this section an official health certificate means a legible certificate by a licensed veterinarian and approved by the chief livestock official of the state or county of origin, containing the names and addresses of the consignor and the consignee. This certificate shall show age, sex, breed, and description of each dog or cat, and list all types of vaccines administered to said dog or cat and shall certify that dogs and cats are free from visual evidence of communicable diseases and that the cats are free from external parasites.

III. The original of the official health certificate accompanying the dog or cat imported into the state for resale by a licensee shall be prominently displayed on the cage, pen or container in which the dog or cat is maintained by said licensee. Upon the sale of the dog or cat, this health certificate shall be updated by the licensee if any other medication or treatment has been given by a licensed veterinarian or the licensee to the dog or cat and be given to the purchaser in addition to any other documents which are customarily delivered to said purchaser. The third copy of the official health certificate shall be retained in the files of the licensee for no less than 3 years following a sale.

IV. All incorporated or chartered licensed humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this subdivision relative to accepting, selling, or transferring dogs and cats.

V. No person, firm or corporation shall ship or bring into the state of New Hampshire, to offer for sale or resale in the state of New Hampshire any cat or dog less than 8 weeks of age.

VI. All dogs and cats imported for resale shall be held in isolation by the importer for a period of 5 days prior to being offered for sale.

Amendment adopted.

Referred to Appropriations.

HB 630, relative to the voting rights of members of the municipal budget committee. Inexpedient to Legislate. Rep. for Drewniak for Municipal and County Government.

This bill would deny the selectman, school board member, and village district commissioner, who are members of the municipal budget committee their vote. The Committee feels this inadvisable in that these individuals are the administrators of the budget. Resolution adopted.

HB 653, imposing a deadline for the adoption of a county budget and requiring the signatures of the chairman and clerk of the county convention for filing the

adopted budget. Ought to Pass with Amendment. Rep. Beverly Gage for Municipal and County Government.

This bill establishes a much needed deadline for the adoption of a county budget. Delayed adoption of the budget delays preparation of municipal tax bills, creates confusion for taxpayers and costs municipalities additional money. The amendment simply strengthens the bill by providing for guaranteed adoption by September 1.

#### Amendment

Amend RSA 24:14, II, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The county convention shall adopt its annual budget within 90 days after the beginning of the county's fiscal year if the county operates on a calendar year basis. If the county operates on an optional fiscal year basis pursuant to RSA 31:94-a, then the county convention shall adopt its annual budget not later than September 1. If the county convention does not adopt its annual budget by the time specified, the budget, as recommended by the commissioners, shall take effect.

Amend RSA 24:14-a, as inserted by section 2 of the bill, by striking out same and inserting in place thereof the following:

24:14-a Supplemental Appropriations. The commissioners may apply to the county convention for an appropriation to be made subsequent to the adoption of the annual county budget. The commissioners shall deliver or mail to each member of the county convention (who will be in office on the date of the convention vote on the proposed supplemental appropriation) and to the chairman of the board of selectmen in each town and the mayor of each city within the county and to the secretary of state a statement including the amount of the proposed supplemental appropriation and the objects for which the money is required. The commissioners shall schedule a public hearing on such appropriation to be held within 30 days of the mailing or delivery of said statement. Notice of the date of said hearing, and the date of the convention vote on the proposed appropriation shall accompany said statement. A supplemental county appropriation shall require a vote of the county convention as provided in RSA 24:13.

Amendment adopted.  
Ordered to third reading.

HB 681, relative to the disposition of municipal records. Ought to Pass. Rep. Bednar for Municipal and County Government.

By establishing a municipal records office at the state level, it is the intent of this bill to establish uniform guidelines for local officials and eliminate confusion under present laws governing retention and disposal

of municipal records. Proper preservation of certain records is necessary for future information and historical purposes.  
Ordered to third reading.

HB 795, permitting a county to borrow money in anticipation of federal or state aid or both. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

This is simply permissive legislation which would allow counties the same rights of borrowing as towns and cities presently have provided they have the approval of the County Executive Committee.  
Ordered to third reading.

HB 821, providing that municipalities having planning boards shall be members of the regional planning commission. Inexpedient to Legislate. Rep. Bednar for Municipal and County Government.

This bill would make it mandatory for municipalities with planning boards to join the regional planning commission and the Committee feels this decision should be left to the city or town.  
Resolution adopted.

HB 897, requiring the county commissioners to report monthly on county expenditures. Inexpedient to Legislate. Rep. King for Municipal and County Government.

The Committee feels that the counties already have the power to modify their procedures and require monthly reports rather than quarterly reports, therefore, legislation is unnecessary.  
Resolution adopted.

HB 905, relative to the licensing of businesses in a town. Ought to Pass. Rep. Timothy O'Connor for Municipal and County Government.

This is simply permissive legislation to enable towns to oversee the amount and the types of businesses within a town.

Ordered to third reading.

HB 1074, requiring planning board findings, conclusions and decisions to be prepared in written form. Ought to Pass with Amendment. Rep. Arnold Perkins for Municipal and County Government.

The intent of this bill is to make planning boards more accountable for their decisions and to help insure fair and equitable decisions. The amendment only modifies the mechanics.

#### Amendment

Amend RSA 36:23-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

36:23-a Written Report by the Planning Board. In all decisions made by the planning board, the board shall prepare written findings of fact upon which the board based its conclusions and reached its decision. Failure to make

such a written report shall make each member of the planning board in attendance at such meeting subject to removal from office on proper petition before the superior court. The court shall give any hearing under this section priority on the court calendar.

Amendment adopted.

Ordered to third reading.

HB 955, relative to issuing a special events license and permits for non-profit organizations. Inexpedient to Legislate. Rep. Sanborn for Regulated Revenues.

Bill was opposed by Liquor Commission because it opened up to the general public and would greatly increase the cost to police. Committee vote was 14-0.

Resolution adopted.

HB 690, revising RSA 483-A relative to dredge and fill providing greater local participation in the decision-making, allowing towns and cities to designate prime wetlands, sets forth a filing fee, repealing RSA 431 relative to swamplands; and modifying the composition of the wetlands board. Ought to Pass with Amendment. Rep. Dickinson for Resources, Recreation and Development.

The Committee found this bill to be much needed. This bill provides for greater local input into the fill and dredge law, improves the procedures for reviewing applications, makes more precise the guidelines for decision-making by the review board. The bill received support from both development and conservation interests and strong support from the localities.

#### Amendment

Amend RSA 483-A:1 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

483-A:1 Excavating and Dredging. No person shall excavate, remove, fill or dredge any bank, flat, marsh, bog or swamp in and adjacent to any waters of the state without written notice of such intention to excavate, remove, fill or dredge to the wetlands board. Said notice shall be sent by registered mail to the wetlands board at least 30 days prior to such excavating, removing, filling or dredging with a detailed plan drawn to scale of the proposed project. At the time of filing with the wetlands board, said person shall also file 3 copies of said notice, with one or more copies of a detailed plan and a map showing the exact location of the proposed project, with the town or city clerk. The town or city clerk shall forthwith send a copy of the said notice to the selectmen, mayor or city manager, the planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$2. The copies of said notice shall be made reasonably accessible to the public.

Amend RSA 483-A:3 as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

483-A:3 Powers of Wetlands Board. The wetlands board may deny the petition, or may require the installation of bulkheads, barriers, proper retention and/or containment structures to prevent subsequent fill runoff back into water or other protective and safety measures.

Amend RSA 483-A:4, IV as inserted by section 7 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. In the event a permit is granted with respect to any activity proposed to be undertaken in or adjacent to a prime wetland as mapped, designated and filed pursuant to RSA 483-A:7, the conservation commission or the municipal executive body or any 10 residents of the municipality within which such wetland lies, in whole or in part, may appeal said decision to the superior court, in the manner set forth in paragraph I. The filing of a motion for re-hearing with the board pursuant to RSA 31:74 shall automatically stay the effectiveness of its decision. Upon hearing by the superior court, the burden of proof with respect to the issue of the validity of the board's findings and conclusions shall lie with the board.

Amend RSA 483-A:4-a, I as inserted by section 8 of the bill by striking out said paragraph and inserting in place thereof the following:

I. The board may adopt reasonable rules and regulations to govern its proceedings and otherwise to carry out the purposes of this chapter. The requirement of public hearing in RSA 483-A:2 may not apply to such minor projects and to such minor improvements of the shoreline of those waters subject to the jurisdiction of this chapter as the board may by reasonable general regulation provide; and as to such projects, authority may be delegated to a subcommittee or the staff of the board. Notwithstanding any such regulations defining minor projects, a series of minor projects undertaken by a single developer or related developers over a period of 5 years or less, when considered in the aggregate, amount to a major project, all such related projects shall be subject to a public hearing as provided in RSA 483-A:2. A series of minor projects shall be considered in the aggregate if they abut or if a part of an overall scheme of development or are otherwise constituent parts of an eventual whole.

Amend RSA 483-A:4-a, II as inserted by section 8 of the bill by striking out said paragraph and inserting in place thereof the following:

II. The board shall, within 180 days of the effective date of this act, adopt regulations establishing criteria for approval and disapproval of applications under this chapter and with respect to all other substantive duties imposed by this



chapter. Such regulations and any subsequent regulations shall be adopted only after 2 public hearings, notice of which shall be published at least 30 days in advance in a newspaper or newspapers of general circulation in the state, which notice shall include a brief description of the substance of such regulations. Following the public hearing, the board shall vote on every suggestion made in connection therewith, orally or in writing, such votes to be recorded in the minutes of said meeting. The board shall make written findings of fact in support of all decisions made on applications involving projects other than minor projects and improvements as defined pursuant to RSA 483-A:4-a, I.

Amend RSA 483-A:4-a, VI as inserted by section 8 of the bill by striking out said paragraph and inserting in place thereof the following:

VI. Upon written notification to the board by a municipal conservation commission that it intends to investigate any notice received by it pursuant to RSA 483-A:1, the board shall suspend action upon such notice and shall not make its decision on the notice of minor project nor hold a hearing on it, if a major project, until it has received and acknowledged receipt of a written report from the said commission, or until 30 days from the date or receipt of the notice of intent to investigate, whichever occurs earlier, subject to an extension as permitted by the board. In connection with any local investigation, a conservation commission may hold a public hearing, the record of which shall be made a part of the record of the board. In the event a conservation commission makes a recommendation to the board in its report, the board shall specifically consider such recommendation and shall make written findings with respect to each issue raised therein which is contrary to the decision of the board. If notification by a local conservation commission, pursuant to this paragraph, is not received by the board within 14 days following the date the notice is filed, the board shall not suspend its normal action, but shall proceed as if no notification has been made.

Amend RSA 483-A:7, I as inserted by section 10 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Any municipality, by its conservation commission, or in the absence of a conservation commission, the planning board or in the absence of a planning board, the selectmen or the city council, may undertake to designate, map and document prime wetlands lying within its boundaries, or if such area lies only partly within its boundaries, then that portion lying therein. For the purpose of this section, "prime wetlands" shall mean any areas falling within the jurisdictional definitions of RSA 483-A:1 and 1-a that possess one or more of the values set forth in RSA 483-A:1-b, and

that, because of their size, unspoiled character, fragile condition or other relevant factors, make them of substantial significance. Such maps and designations shall be in such form and to such scale, and shall be based upon such criteria as are established by regulations of the office of comprehensive planning. Such regulations shall be promulgated under the procedure set forth in RSA 483-A:4-a, II.

Amend RSA 483-A:7, II as inserted by section 10 of the bill by striking out said paragraph and inserting in place thereof the following:

II. Any municipal conservation commission or other local body which has mapped and designated prime wetlands in accordance with paragraph I may after approval of any town or city council meeting file such map and designation with the board, which shall accept and maintain them and provide public access thereto during regular business hours. The procedure for acceptance by the local legislative body of any prime wetlands designation as provided for in RSA 483-A:7 shall be the same as that set forth in RSA 31:63.

Amend RSA 483-A:8, II as inserted by section 10 of the bill by striking out said paragraph and inserting in place thereof the following:

II. The wetlands board shall be composed of 5 members of the public appointed by the governor and council, 2 from nominees submitted by the N.H. Association of Conservation Commissions, who are themselves members of a municipal conservation commission at the time of appointment, one from nominees submitted by the New Hampshire Municipal Association, who is an elected municipal official at the time of the appointment, one from nominees submitted by the New Hampshire Association of Conservation Districts, and one from nominees submitted by the director of regional planning, who is presently serving a regional planning commission at the time of the appointment, who shall serve for a term of 3 years and until a successor is chosen; and the following officials, or persons serving under them and so indicated as permanent designees: director of fish and game, fish and game marine biologist, fish and game fisheries biologist, director of safety services, the chairman and one other member of the water resources board, commissioner of the department of public works and highways, executive director of the water supply and pollution control commission, chief aquatic biologist of water supply and pollution control commission, director of comprehensive planning and commissioner of the department of resources and economic development. The board shall elect each year from its own members a chairman and vice chairman. The terms of the 5 members of the public shall be for 3 years, however in the initial appointment 2 shall be appointed for a term of one year, 2 shall be appointed for a term of 2 years and one shall be appointed for a term of 3 years.



Amendment adopted.

Referred to Appropriations.

HB 975, relative to mandatory installation of smoke detectors in structures for occupation built after 1978. Inexpedient to Legislate. Rep. Blake for State Institutions.

Too mandatory.

Resolution adopted.

The Speaker called for the Special Order.

HB 846, amending the city charter of Nashua relative to the election of the board of education. Ought to Pass. Rep. Dreniak for Municipal and County Government.

Testimony at the public hearing indicated that some voters feel the current practice of electing school board members at large rather than by wards is unrepresentative. They feel the board is unresponsive and would better serve the people if all areas were equally represented. The Committee feels sufficient evidence was presented to support the need for a referendum.

Rep. Wallin moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to her motion.

Reps. Wilfrid Boisvert, Levesque, Sing, Mann and Bednar spoke against the motion.

Reps. L. Penny Dion, Cecelia Winn and Keefe spoke in favor of the motion.

Rep. Spaulding moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

.(Speaker presiding)

YEAS 138 NAYS 141

YEAS 138

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Hildreth, Lawton, Morin, Nighswander and Sanders.

CARROLL: Claflin, Found and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Irvin Gordon, Matson, Proctor, Russell, Scranton, Slack, Terry, Vrakatitsis and Terry Wiggan.

COOS: Cooney, Keough, Poulin, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, Chambers, Copenhaver, Cornelius, Dearborn, Logan, Rounds, Snell, Stomberg, Ward and Michael Woodard.

HILLSBOROUGH: Alter, Aubut, Belanger, Brack, Bridges, Borden, Carswell, Corser, Margaret Cote, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion,

Gelinas, Sal Grasso, Heald, Thomas Hynes, Kaklamanos, Keefe, Lachance, Lamy, Lyons, Martin, McGlynn, Morrison, Kerry O'Connor, O'Neil, Pappas, Pelletier, Peters, Plomaritis, Record, Edward Smith, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Van Loan, Wallin, Geraldine Watson, Welch, Emma Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Chandler, Hess, James Humphrey, Pelton, Arthur Perkins, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Barka, Blanchette, Cunningham, Felch, Ganley, Greene, Hartford, Krasker, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Parolise, Parr, Pucci, Quimby, Schwaner, Skinner, Stratton, Vlack and Zabarsky.

STRAFFORD: Burchell, Bruce French, James Herche, Horrigan, Joos, Kincaid, Lefavour, Lessard, Nadeau, Torrey and Shirley White.

SULLIVAN: Frizzell, Lucas, Sara Townsend and Tucker.

#### NAYS 141

BELKNAP: Gary Dionne, Mansfield, Marsh, James Murray, Kenneth Randall and Sabbow.

CARROLL: Roderick Allen, Raymond Conley, Dickinson and Kenneth MacDonald.

CHESHIRE: Dostilio, Fillback, Anne Gordon, Hogan, Moore, Parker and Whipple.

COOS: Burns, Bradley Haynes, Horton, Huggins, Hunt, Oleson and York.

GRAFTON: Aldrich, Buckman, Clark, Crory, Duhaime, Gemmill, Mann, McAvoy, Neil McIver, Pepitone, Taffe and Madeline Townsend.

HILLSBOROUGH: Ahern, Ainley, Arnold, Bednar, Albert Bellemore, Wilfrid Boisvert, Bosse, Burke, Mark Connolly, Joseph Cote, Coughlin, Crotty, Dreniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Cort Hansen, Daniel Healy, Karnis, Knight, LaPlante, Levesque, Madigan, Morgan, Timothy O'Connor, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Seamans, Simard, Sing, Soucy, Harold Thomson, Wallace, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Bellerose, Laurent Boucher, Carroll, John Cate, Eugene Daniell, Foley, Richard Hanson, Polly Johnson, LaBonte, Mullin, Pratt, Ralph, Doris Riley, Shepard, Gerald Smith and Stockman.

ROCKINGHAM: Akerman, Bisbee, William Boucher, Campbell, Carpenito, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Gaskill, Gould, Kane, Kashulines, King,

Laycock, Nelson, Norton, Richards, Rogers, Rossley, Stimmell, Tavitian, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Charles Grassie, Hebert, Joncas, Kelly, Maglaras, Maloomian, Meader, Osgood, Schreiber, Tripp and Valley.

SULLIVAN: Barrus, Brodeur, D'Amante, Gray, LeBrun, Scott, Spaulding and George Wiggins, and the motion lost.

Rep. Kevin Sullivan offered an amendment.

#### Amendment

Amend 1913, 427 part 1, section 75, I, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Any person who is a qualified voter of the city of Nashua may vote for, be a candidate for, and be chosen for membership on the board of education from that person's respective ward, provided, however, that no person shall serve or continue to serve as a member of the board of education who is not a duly qualified voter and resident of the ward that such person represents. The board of education shall be composed of 15 members, 9 members elected every 2 years from each ward of the city, and 6 members elected at-large, provided that effective with the election in November 1979, and at each election held every 4 years thereafter, 3 at-large members of the board of education shall be elected and provided, further that effective with the election in November 1981, and at each election held every 4 years thereafter, the 3 other at-large members of the board of education shall be elected. Provided further that the members of the board of education elected at the elections of November 1975 and November 1977 shall continue to serve until the end of their terms.

Amend 1913, 427 part 1, section 75, III, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. If a vacancy occurs on the board of education, for any reason, the board of education shall fill the seat so vacated by a fully qualified voter and resident from the ward that was represented by the person vacating the office or at large if the vacated seat was represented by an at-large member, until a successor is elected and certified at the next biennial municipal election. In the event that the next biennial municipal election is not the municipal election at which the office vacated would normally be filled, a special election for the remainder of the unexpired term shall be held at that biennial municipal election. The person elected at that biennial municipal election shall take office at the next regular or special meeting of the board of education following the certification of the votes of the special election.

The Assistant Clerk read the amendment.

Rep. Sullivan explained his amendment.

Rep. Wallin moved that further consideration of HB 846 and the amendment be laid upon the Table.

Motion lost.

Amendment lost.

Question being on the committee report.

On a voice vote the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 164 NAYS 131

YEAS 164

BELKNAP: Gary Dionne, Marshall French, Mansfield, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson and Kenneth MacDonald.

CHESHIRE: Close, Dostilio, Fillback, Anne Gordon, Hogan, Moore, Parker, Vrakatitsis and Whipple.

COOS: Burns, Bradley Haynes, Horton, Huggins, Hunt, Oleson, Mabel Richardson, Alcide Valliere and York.

GRAFTON: Aldrich, Buckman, Clark, Crory, Duhaime, Gemmill, Mann, McAvoy, Neil McIver, Pepitone, Stomberg, Taffe and Madeline Townsend.

HILLSBOROUGH: Ahern, Ainley, Arnold, Bednar, Wilfrid Boisvert, Bosse, Brack, Burke, Mark Connolly, Joseph Cote, Coughlin, Crotty, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Cort Hansen, Head, Daniel Healy, Thomas Hynes, Karnis, Knight, LaPlante, Levesque, Madigan, Marcoux, Morgan, Plomaritis, Podles, Polak, Henry Richardson, Seamans, Simard, Sing, Soucy, Harold Thomson, Wallace, Robert Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Bellerose, Laurent Boucher, Carroll, John Cate, Eugene Daniell, Foley, Richard Hanson, LaBonte, Mullin, Arthur Perkins, Pratt, Ralph, Doris Riley, Shepard, Gerald Smith, Stockman, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Bisbee, William Boucher, Cummings, Cunningham, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Gould, Hoar, Kane, Kashulines, King, Laycock, Maynard, Nelson, Norton, Parr, Quimby, Richards, Rogers, Rossley, Stimmell, Tavitian, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Canney, Donnelly, Hebert, Joncas, Joos, Kelly, Kincaid, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Osgood and Schreiber.

SULLIVAN: Barrus, Brodeur, D'Amante, Frizzell, Gray, LeBrun, Lewko, Scott, Spaulding and George Wiggins.

## NAYS 131

BELKNAP: Ambrose, Beard, Bowler, Goyette, Hildreth, Lawton and Nighswander.

CARROLL: Claflin, Found and Kenneth Smith.

CHESHIRE: Daniel Eaton, Irvin Gordon, Matson, Proctor, Russell, Scranton, Slack, Terry and Terry Wiggin.

COOS: Cooney, Keough, Poulin, Theriault, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, Chambers, Copenhaver, Cornelius, Dearborn, Logan, Rounds, Snell, Taylor, Ward and Michael Woodard.

HILLSBOROUGH: Alter, Aubut, Belanger, Albert Bellemore, Bridges, Brody, Carswell, Corser, Margaret Cote, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Gelinas, Heald, Kaklamanos, Keefe, Lachance, Kaklamanos, Keefe, Lachance, Lyons, Martin, McDonough, McGlynn, Morrison, Kerry O'Connor, O'Neil, Pappas, Pelletier, Peters, Record, Edward Smith, Spiro, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Van Loan, Wallin, Geraldine Watson, Welch, Emma Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Chandler, Hess, James Humphrey, Polly Johnson, McNichol, Packard, Pelton, Doris Thompson, Trachy and Waters.

ROCKINGHAM: Barka, Blanchette, Campbell, Carpenito, Canley, Greene, Hartford, Kraser, Lovejoy, Joseph MacDonald, Donna McEachern, Niebling, Parolise, Pucci, Anthony Randall, Schwane, Skinner, Stratton, Vlack and Zbarsky.

STRAFFORD: Belhumeur, Burchell, Bruce French, Charles Grassie, James Herche, Horrigan, Lefavour, Lessard, Rod O'Connor, Donald Smith, Torrey, Tripp, Valley and Shirley White.

SULLIVAN: Lucas, Sara Townsend and Tucker, and the motion passed.

Ordered to third reading.

Rep. Nemzoff-Berman wishes to be recorded in favor of Inexpedient to Legislate.

HB 976, permitting banks in the city of Laconia to establish, maintain and operate public convenience facilities. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

If passed, this bill would allow some banks in Laconia to locate public convenience facilities up to 3000 feet from their principal bank office. The concept may be good but the committee does not feel that it should single out one community and allow it to do something which is not allowed in any other community in the state. If the concept deserves merit then it should apply to all cities and towns and not just to Laconia.

Rep. Hildreth moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Ward and Burns spoke against the motion.

Rep. Sabow spoke in favor of the motion.

Motion lost.

Question being on the committee report, Inexpedient to Legislate, a roll call was requested. Sufficiently seconded.

Rep. McLane abstained from voting under Rule 16.

(Speaker presiding)

YEAS 222 NAYS 77

YEAS 222

BELKNAP: Beard, Gary Dionne, Marshall French, Mansfield, Marsh, Morin and Kenneth Randall.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Close, Dostilio, Fillback, Anne Gordon, Irvin Gordon, Matson, Moore, Parker, Proctor, Russell, Slack, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Cooney, Bradley Haynes, Horton, Huggins, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Aldrich, Ira Allen, Copenhaver, Cornelius, Gemmill, Logan, Rounds, Stomberg, Taffe, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Alter, Arnold, Aubut, Belanger, Albert Bellemore, Wilfrid Boisvert, Bosse, Brack, Bridges, Burke, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Crotty, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinas, Girolimon, Sal Grasso, Head, Heald, Daniel Healy, George Healy, Thomas Hynes, Karnis, Keefe, Lamy, LaPlante, Levesque, Lyons, Madigan, Marcoux, McGlynn, Morgan, Fred Murray, Kerry O'Connor, O'Neil, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Record, Henry Richardson, Leonard Smith, St. George, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, M. Arnold Wight, Cecelia Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Laurent Boucher, Carroll, John Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, Hess, Polly Johnson, LaBonte, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Ralph, Doris Riley, Shepard, Stockman, Waters and Wiviott.



ROCKINGHAM: Barka, Benton, Bisbee, Blanchette, William Boucher, Campbell, Carpenito, Cunningham, Davis, Robert Day, Dunfey, Felch, Flanagan, Canley, Gaskill, Gould, Greene, Grieco, Hartford, Hoar, Kane, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Norton, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Schwaner, Skinner, Stimmell, Stratton, Vlack, Webster, Helen Wilson, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Donnelly, Bruce French, Hebert, Horrigan, Joncas, Joos, Kincaid, Lefavour, Maglaras, Meader, Morrisette, Nadeau, Osgood, Schreiber, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Brodeur, Gray, LeBrun, Lewko, Lucas, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

#### NAYS 77

BELKNAP: Ambrose, Bowler, Goyette, Hildreth, Lawton, James Murray, Nighswander, Sabbow and Sanders.

CARROLL: Roderick Allen.

CHESHIRE: Daniel Eaton, Hogan and Terry.

COOS: Hunt, Poulin, Neila Woodward and York.

GRAFTON: Buckman, Chambers, Clark, Crory, Dearborn, Duhaime, Mann, McAvoy, Neil McIver, Snell, Taylor and Michael Woodward.

HILLSBOROUGH: Ahern, Bednar, Brody, Joseph Cote, William Desmarais, Nancy Gagnon, Cort Hansen, Kalamanos, Knight, Lachance, Martin, McDonough, Morrison, Pappas, Paradis, Seamans, Simard, Sing, Soucy, Spirou, Stahl, Francis Sullivan, Robert Wheeler and John Winn.

MERRIMACK: Bodi, James Humphrey, Donna MacIvor, Pratt, Gerald Smith, Stefanides, Doris Thompson, Trachy and Ernest Valliere.

ROCKINGHAM: Akerman, Erler, Beverly Gage, Rasker and Nelson.

STRAFFORD: Canney, Charles Grassie, Kelly, Lessard, Maloomian, Rod O'Connor and Shirley White.

SULLIVAN: D'Amante and Frizzell, and the resolution was adopted.

Reps. Pepitone and Timothy O'Connor wished to be recorded in favor of the committee report on HB 976.

HB 2033, Relating to investigating certain pricing practices that adversely affect consumers. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The Committee did not see any merit to this bill of intent.  
Resolution adopted.

HB 874, repealing the law that exempts the department of employment security from the right to know law. Inexpedient to Legislate. Rep. Watson for Constitutional Revision.

The law as presently written safeguards a person's records in the department so that only the person or his legal representative can have access to it.

Any record concerning a person in the department is presently available to him as the law is written.

Rep. Morrison moved that the words, Ought to Pass be substituted for the committee report, Inexpedient to Legislate, and spoke her motion.

Reps. George Wiggins, Slack and Matson spoke against the motion.

Reps. Foley, Spirou and Marshall French spoke in favor of the motion.

Rep. Close requested a roll call.  
Sufficiently seconded.

(Speaker presiding)

YEAS 194 NAYS 110

YEAS 194

BELKNAP: Ambrose, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Morin, James Murray, Nighswander and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson, Found and Kenneth MacDonald,

CHESHIRE: Close, Dostilio, Daniel Eaton, Irvin Gordon, Hogan, Parker, Proctor, Russell, Scranton, Terry, Vrakatitsis and Terry Wigin.

COOS: Cooney, Bradley Haynes, Keough, George Lemire, Oleson, Patenaude, Poulin, Theriault, Wiswell and Neila Woodward.

GRAFTON: Chambers, Clark, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Gemmill, Neil McIver, Stomberg, Taffe, Taylor, Ward and Michael Woodward.

HILLSBOROUGH: Ahern, Ainley, Alter, Albert Bellemore, Bernier, Wilfrid Boisvert, Bosse, Brack, Bridges, Brody, Carswell, Mark Connolly, Corser, Joseph Cote, Coughlin, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Joseph Eaton, Gabrielle Gagnon, Celinas, Girolimon, Cort Hansen, Head, Thomas Hynes, Kaklamanos, Keefe, Lachance, LaPlante, Lyons, Martin, McDonough, McGlynn, Morgan, Morrison, Fred Murray, Kerry O'Connor, O'Neil, Pappas, Plomaritis, Podles, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stylianos, Francis Sullivan, Van Loan, Welch, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Eugene Daniell, Foley, Hess, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Pelton, Arthur Perkins, Pratt, Ralph, Shepard, Gerald Smith, Stefanides, Trachy, Ernest Valliere and Wiviott.



ROCKINGHAM: Akerman, Blanchette, William Boucher, Carpenito, Collins, Dunfey, Flanagan, Ganley, Gaskill, Gould, Greene, Grieco, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rossley, Schwaner, Splaine, Stimmell, Vlack and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Burchell, Canney, Donnelly, Bruce French, Charles Grassie, James Herchek, Joos, Kelly, Kincaid, Maglaras, Morrisette, Nadeau, Rod O'Connor, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Frizzell, Lucas, Sara Townsend and Tucker.

#### NAYS 110

BELKNAP: Beard, Lawton, Mansfield, Marsh, Kenneth Randall and Sabbow.

CARROLL: Raymond Conley and Kenneth Smith.

CHESHIRE: Callahan, Anne Gordon, Elmer Johnson, Matson, Moore, Slack and Whipple.

COOS: Burns, Horton, Huggins, Hunt, Mabel Richardson, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Logan, Mann, McAvoy, Pepitone, Rounds, Snell and Madeline Townsend.

HILLSBOROUGH: Arnold, Aubut, Bednar, Belanger, Burke, Margaret Cote, William Desmarais, Drewniak, Clyde Eaton, Nancy Gagnon, Sal Grasso, Heald, Daniel Healy, George Healy, Karnis, Knight, Levesque, Madigan, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Polak, Record, Henry Richardson, Seamans, Sing, Kevin Sullivan, Wallace, Geraldine Watson, Emma Wheeler and Ziakas.

MERRIMACK: Laurent Boucher, John Cate, Chandler, Richard Hanson, James Humphrey, Polly Johnson, Packard, Doris Riley, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Barka, Benton, Bisbee, Campbell, Cunningham, Davis, Robert Day, Erler, Felch, Beverly Cage, King, Nelson, Rogers, Scamman, Skinner, Stratton, Tavitian, Webster, Helen Wilson and Wolfson.

STRAFFORD: Hebert, Horrigan, Lefavour, Maloomian, Meader and Osgood.

SULLIVAN: Barrus, Brodeur, D'Amante, Gray, LeBrun, Lewko, Scott, Spaulding and George Wiggins, and the motion was adopted. Ordered to third reading.

Rep. Marcoux wished to be recorded in favor of HB 874.

HB 1010, limiting the powers of the board of trustees of the university system as they relate to the percentage of out-of-state students. Inexpedient to Legislate. Rep. Gary Dionne for Education.

The Committee does not feel justified in hamstringing the Board of Trustees. There already exists an adequate policy used by trustees to determine the proper proportions on a year-to-year basis.

Rep. Rounds moved that the words, Refer to the committee on Education for Interim Study, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Gemmill spoke in favor of the motion.

Referred to the Committee on Education for Interim Study.

HB 1119, relative to strip development along highways. Ought to Pass. Rep. Rogers for Environment and Agriculture.

The negative effects of strip development along highways can be seen everywhere in the state - in traffic congestion and visual blight. This bill provides towns and cities a method of controlling such development. It prescribes that executive bodies shall delineate those sections of a municipality that shall be considered densely settled. The undeveloped remainder of the municipality shall come under the provisions of this bill - provided that the municipality shall accept such provisions in a referendum. The bill allows a green belt of 100 feet on each side of a highway and limits the exits and entrances. Committee vote was unanimous.

Rep. Marsh moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Reps. George Wiggins and Norton spoke in favor of the motion.

Reps. Blakeney and Barrus spoke against the motion.

On a voice vote the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 129 NAYS 174  
YEAS 129

BELKNAP: Beard, Lawton, Mansfield, Marsh, Morin, James Murray and Sabbow.

CARROLL: Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Irvin Gordon, Slack and Whipple.

COOS: Burns, Cooney, Huggins, Hunt, George Lemire, Oleson, Alcide Valliere and York.

GRAFTON: Ira Allen, Buckman, Clark, Dearborn, Mann, McAvoy, Pepitone, Rounds, Snell and Glyneta Thomson.

HILLSBOROUGH: Ahern, Ainley, Alter, Belanger, Emile Boisvert, Wilfrid Boisvert, Brack, Bridges, Burke, Margaret Cote, Crotty, Cullity, Currier, William Desmarais, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Cagnon, Sal Grasso, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Knight, Lachance, Lyons, McDonough, McGlynn, Morgan, Fred Murray, Timothy O'Connor, Paradis, Arnold Perkins, Polak, Henry Richardson, Seamans, Simard, Sing, Soucy, Stylianos, Francis Sullivan, Kevin Sullivan, Wallace, Geraldine Watson, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Laurent Boucher, Milton Cate, Chandler, Eugene Daniell, Richard Hanson, James Humphrey, Polly Johnson, Mullin, Pratt, Doris Riley, Shepard, Gerald Smith, Stefanides and Doris Thompson.

ROCKINGHAM: Akerman, Barka, William Boucher, Collins, Cunningham, Davis, Robert Day, Erler, Beverly Gage, Gaskill, King, Nelson, Norton, Parolise, Anthony Randall, Richards, Stimmell, Stratton, Tavitian, Helen Wilson and Wolfesen.

STRAFFORD: Canney, Hebert, Joncas, Joos, Kincaid, Maloomian, Preston, Dennis Ramsey and Tripp.

SULLIVAN: D'Amante, Frizzell, Ingram, Scott and George Wiggins.

#### NAYS 174

BELKNAP: Ambrose, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson and Found.

CHESHIRE: Callahan, Daniel Eaton, Fillback, Anne Gordon, Hogan, Elmer Johnson, Matson, Moore, Parker, Proctor, Russell, Scranton, Terry and Terry Wiggin.

COOS: Bradley Haynes, Horton, Keough, Patenaude, Poulin, Theriault, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Copenhaver, Cornelius, Crory, Duhaime, Gemmill, Logan, Neil McIver, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Arnold, Aubut, Bednar, Albert Bellemore, Bernier, Bosse, Brody, Carswell, Mark Connolly, Corser, Joseph Cote, Coughlin, Catherine-Ann Day, Nancy Cagnon, Gelinas, Girolimon, Granger, Cort Hansen, Head, Heald, Kaklamanos, Keefe, LaPlante, Levesque, Madigan, Marcoux, Martin, Morrisson, Normand, Kerry O'Connor, O'Neil, Pappas, Pelletier, Plomaritis, Podles, Record, Edward Smith,

Leonard Smith, St. George, Harold Thomson, Van Loan, Welch, Emma Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Bodi, John Cate, Foley, Hess, LaBonte, Donna MacIvor, McLane, McNichol, Packard, Pelton, Arthur Perkins, Ralph, Rich, Stockman, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Danforth, Dunfee, Felch, Flanagan, Canley, Gould, Greene, Grieco, Hartford, Hoar, Kane, Kashulines, Laycock, Lovejoy, Joseph MacDonald, Niebling, Parr, Pucci, Rogers, Rossley, Schwaner, Skinner, Alfreda Smith, Splaine, Vlack, Webster and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Burchell, Donnelly, Bruce French, Charles Grassie, Horrigan, Kelly, Lefavour, Lessard, Maglaras, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Schreiber, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Gray, LeBrun, Lewko, Lucas and Spaulding, and the motion lost.

Ordered to third reading.  
Rep. Nemzoff-Berman wished to be recorded in favor of HB 1119.

HB 1122, transferring the responsibility for administering the state medical facilities plan. Without Recommendation. Rep. Close for Executive Departments and Administration.

We shall move to table this bill to provide a backstop for House Bill 602.

Rep. Rod O'Connor moved that HB 1122 be laid upon the table.  
Adopted.

HB 816, relative to requiring a public hearing prior to reclamation of any pond by the fish and game department. Inexpedient to Legislate. Rep. Hunt for Fish and Game.

This bill makes it practically impossible for the Fish and Game Department to reclaim ponds. According to all testimony the Department has always held public hearings before reclaiming. Vote was 13-4.

Rep. Corser moved that the words, Ought to Pass with Amendment, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Stimmell spoke in favor of the motion.

Adopted.

#### Amendment

Amend RSA 206:15-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

206:15-c Reclamation of Pond.

I. The director shall provide for a public hearing in one community in which any pond or great pond or portion thereof lies that is subject to a reclamation project involving the chemical alteration of said pond to partially or completely eliminate aquatic animal or vegetable organisms.

II. A notice of any public hearing on this subject matter shall be advertised in a newspaper of general circulation in each community in the area affected, including an area extending approximately 5 miles downstream from the pond, at least 14 days in advance of the hearing. Said advertisement shall also stipulate the time and place of the hearing.

The Assistant clerk read the amendment.  
Amendment adopted.  
Ordered to third reading.

HB 1018, relative to an open season on certain moose under certain conditions.  
Ought to Pass with Amendment. Rep.  
Huggins for Fish and Game.

This bill opens a limited season on moose. Limited permits are to be drawn by lottery season. Committee vote was 14-4.

#### Amendment

Amend RSA 208:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:  
208:1-a Moose.

I. No person shall at any time hunt, take, or have in his possession any moose or any part of the carcass thereof, taken in this state, except as hereinafter provided.

II. In order to control, manage and conserve the moose herd in the state, the director shall open a one year season from September 16, 1977 - to September 30, 1977 for the taking of 10 antler moose from Coos county and 10 from Carroll county with antlers which exceed 12 inches from the burr to the tip which moose may be found in said counties.

III. The limited season as described in paragraph II shall be set by the director for licensed hunters who have been selected through a lottery as hereinafter provided, said licensed hunters shall hold a valid hunting license at the time of purchasing a lottery ticket on taking moose.

IV. The director shall establish a lottery and sell lottery tickets which shall be sold to licensed resident and nonresident hunters at a fee of \$10 each. The funds from the sale of said tickets shall be deposited in the fish and game fund. There shall be no limit on the number of tickets any licensed hunter may purchase. All lottery tickets shall be sold from the fish and game department, Concord office and all tickets shall be numbered in numerical order and shall be kept in security until the day of the drawing. The director shall conduct a public drawing on the third Saturday in August 1977 at which time there shall be

10 tickets drawn for taking moose in Coos county and 10 tickets drawn for taking moose in Carroll county. The location of the drawing shall be published in a newspaper of general statewide circulation. This lottery shall be conducted at one drawing.

V. Any person killing a moose pursuant hereto shall within 12 hours present the same to a conservation officer in whose district said moose was taken. The conservation officer shall collect such data as the director shall deem necessary. The conservation officer shall affix to the moose carcass a seal which shall be numbered and dated with the year of kill. The seal shall remain on said carcass until such time as the moose is cut up and preserved.

VI. Any person taking moose pursuant to this section shall not use a rifle of less than 30 caliber.

Amendment adopted.

Rep. Sabbow moved that the words, Inexpedient to Legislate be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Huggins and Stimmell spoke against the motion.

Reps. Wiswell and Maynard spoke in favor of the motion.

Rep. Tucker moved the previous question. Sufficiently seconded.  
Adopted.

Rep. Sabbow requested a roll call.  
Sufficiently seconded.

(Speaker presiding)

YEAS 244 NAYS 84

YEAS 244

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Goyette, Michael Hanson, Lawton, Marsh, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Found, Howard, Keller and Kenneth Smith.

CHESHIRE: Callahan, Close, Daniel Eaton, Anne Gordon, Irvin Gordon, Krause, Marshala, Matson, Parker, Proctor, Russell, Scranton, Slack, Terry, Vrakatisis and Terry Wiggan.

COOS: Fortier, Bradley Haynes, Keough, George Lemire, Poulin, Mabel Richardson, Alcide Valliere and Wiswell.

GRAFTON: Aldrich, Buckman, Clark, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Gemmill, Logan, McAvoy, Pepitone, Stomberg, Taffe, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Bednar, Belanger, Albert Bellemore, Bernier, Wilfrid Boisvert, Bosse, Brack, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, William Desmarais, L. Penny Dion, Drewniak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon,



Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Lachance, LaPlante, Armand Lemire, Levesque, Lyons, Marcoux, Martin, McDonough, McLaughlin, Morgan, Morrison, Kerry O'Connor, Timothy O'Connor, Orcutt, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Polak, Record, Henry Richardson, Seamans, Sing, Edward Smith, Soucy, St. George, Stahl, Stylianos, Kevin Sullivan, Van Loan, Wallace, Wallin, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Hess, James Humphrey, Polly Johnson, LaBonte, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Ralph, Rice, Rich, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blanchette, Campbell, Carpenito, Collins, Cummings, Cunningham, Danforth, Davis, Dunfey, Erler, Flanagan, Beverly Gage, Ganley, Gaskill, Gould, Greene, Grieco, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, O'Keefe, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Schwaner, Alfreda Smith, Splaine, Stratton, Vlack, Helen Wilson and Zabarsky.

STRAFFORD: Burchell, Canney, Bruce French, Charles Grassie, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lucas, Sara Townsend and Tucker.

#### NAYS 84

BELKNAP: Mansfield.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Kenneth MacDonald and Towle.

CHESHIRE: Dostilio, Fillback, Galloway, Hogan, Elmer Johnson, Moore and Whipple.

COOS: Burns, Cooney, Horton, Huggins, Hunt, Oleson, Theriault and York.

CRAFTON: Ira Allen, Mann, Neil McIver, Rounds, Snell, Madeline Townsend and Ward.

HILLSBOROUGH: Emile Boisvert, Burke, Carswell, Crotty, Clyde Eaton, Madigan, Martineau, McGlynn, Fred Murray, O'Neil, Pelletier, Podles, Simard, Francis Sullivan, Harold Thomson, Geraldine Watson, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Bodi, Foley, Richard Hanson, Donna MacIvor, Pratt, Shepard, Gerald Smith, Stefanides and Stockman.

ROCKINGHAM: Blake, William Boucher, Robert Day, Felch, Griffin, King, Lovejoy, Norton, Parr, Anthony Randall, Skinner, Stimmell, Tavitian, Webster, Wojnowski and Wolfson.

STRAFFORD: Appleby, Belhumeur, Donnelly, Hebert, Joncas and Lefavour.

SULLIVAN: Brodeur, Lewko, Scott, Spaulding and George Wiggins, and the motion lost.

Resolution adopted.

Reps. Foley and Madeline Townsend notified the clerk that they inadvertently voted Nay and wished to vote Yea.

HJR 5, relative to the right of the people to keep and bear arms. Inexpedient to Legislate. Rep. Marshall French for Interstate Cooperation.

The Committee feels that this resolution does not address itself to any specific legislation pending in Congress and is, in fact, already covered by the Constitution. Vote was 6-2.

Resolution adopted.

HB 656, relative to the number of challenges of jurors in murder trials. Majority: Ought to Pass. Minority (Reps. Daniel J. Healy, Dianne L. Herchek, Doris J. Riley and Philip Currier): Inexpedient to Legislate.

Majority: Because of the relatively recent, profound changes in constitutional laws, the practical effect of the 20:10 ratio has also changed: from treating the criminal defendant fairly to treating society unfairly. Passage of this bill would restore even-handedness, "Justice, though due to the accused, is due to the accuser also. We must keep the balance true." (Justice Cardozo) Minority: The minority of the Committee feels that RSA 606:3 should not be amended to permit the state ten additional peremptory challenges as provided in bill as it would drastically change long standing New Hampshire system of justice without providing any additional public protection and would result in greater expense to the taxpayer by adding to the operational costs of our Superior Courts.

Rep. Daniel Healy moved that HB 656 be indefinitely postponed and spoke to his motion.

Reps. Daniel Eaton, Bosse and Harold Thomson spoke against the motion.

Rep. Brody spoke in favor of the motion.

Rep. Healy requested a roll call. Sufficiently seconded.



(Speaker presiding)

YEAS 168 NAYS 162

YEAS 168

BELKNAP: Beard, Bowler, Gary Dionne, Lawton, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Kenneth MacDonald and Towle.

CHESHIRE: Dostilio, Galloway, Anne Gordon, Elmer Johnson, Parker, Proctor, Russell, Whipple and Terry Wigin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Keough, George Lemire, Oleson, Mabel Richardson, Alcide Valliere and York.

GRAFTON: Aldrich, Buckman, Clark, Cornelius, Logan, Pepitone, Stomberg and Michael Woodard.

HILLSBOROUGH: Arnold, Bednar, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Brody, Carswell, Coburn, Margaret Cote, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, William Desmarais, L. Penny Dion, Dreniak, Clyde Eaton, Nancy Gagnon, Gelinas, Girolimon, Sal Grasso, Heald, Daniel Healy, George Healy, Thomas Hynes, Karnis, Keefe, Lachance, LaPlante, Armand Lemire, Levesque, Madigan, Marcoux, Martin, McDonough, McGlynn, Morrison, Fred Murray, Nemzoff-Berman, Timothy O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Peters, Plomaritis, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Stahl, Francis Sullivan, Kevin Sullivan, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bodi, Carroll, John Cate, Richard Hanson, LaBonte, Mullin, Packard, Pelton, Rice, Doris Riley, Shepard, Stefanides, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Aeschliman, Barka, Blanchette, Carpenito, Danforth, Davis, Robert Day, Dunfey, Ganley, Kashulines, Krasker, Laycock, Lovejoy, Donna McEachern, Joseph McEachern, Norton, O'Keefe, Parolise, Parr, Pucci, Schwaner, Skinner, Splaine, Tavitian, Helen Wilson and Wojnowski.

STRAFFORD: Belhumeur, Burchell, Donnelly, Hebert, James Herchek, Joos, Kincaid, Lefavour, Lessard, Maglaras, Meader, Morrisette, Nadeau, Preston, Dennis Ramsey, Schreiber, Tripp, Valley and Voll.

SULLIVAN: D'Amante, Desnoyer, LeBrun, Lucas and Spaulding.

NAYS 162

BELKNAP: Marshall French, Goyette, Michael Hanson, Mansfield, Marsh, Morin and Sabbow.

CARROLL: Maflin, Dickinson, Found, Keller and Kenneth Smith.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Fillback, Irvin Gordon, Hogan, Krause, Marshala, Matson, Moore, Slack, Terry and Vrakatitsis.

COOS: Horton, Huggins, Hunt, Poulin, Theriault and Wiswell.

GRAFTON: Ira Allen, Copenhaver, Crory, Dearborn, Duhaime, Gemmill, Mann, McAvoy, Neil McIver, Rounds, Snell, Taffe, Taylor, Glyneta Thomson and Ward.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bernier, Bosse, Brack, Bridges, Burke, Mark Connolly, Corser, Coughlin, Joseph Eaton, Gabrielle Gagnon, Granger, Cort Hansen, Head, Howard Humphrey, Kaklamanos, Knight, Lyons, Martineau, McLaughlin, Morgan, Kerry O'Connor, Arnold Perkins, Podles, Polak, Record, Henry Richardson, Soucy, St. George, Stylianos, Harold Thomson, Welch, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Bibbo, Blakeney, Laurent Boucher, Milton Cate, Chandler, Eugene Daniell, Foley, Hess, James Humphrey, Donna MacIvor, McLane, McNichol, Arthur Perkins, Pratt, Ralph, Rich, Gerald Smith, Stockman, Trachy and Waters.

ROCKINGHAM: Akerman, Aller, Benton, Bisbee, Blake, Campbell, Collins, Connors, Cotton, Cummings, Cunningham, Erler, Felch, Beverly Gage, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, King, Joseph MacDonald, Nelson, Niebling, Quimby, Anthony Randall, Richards, Rogers, Rossley, Alfreda Smith, Stimmell, Stratton, Vlack, Webster, Wolfson and Zabarsky.

STRAFFORD: Appleby, Canney, Bruce French, Charles Grassie, Horrigan, Joncas, Kelly, Maloomian, Osgood, Ruel, Torrey and Shirley White.

SULLIVAN: Barrus, Brodeur, Gray, Ingram, Lewko, Scott, Sara Townsend, Tucker and George Wiggins, and the motion passed.  
Indefinitely Postponed.

HB 875, relative to professional counseling and other services for children of a divorce. Inexpedient to Legislate.  
Rep. Aller for Judiciary.

Existing law permits appointment of a guardian ad litem upon the request of the husband or wife. This bill would make appointment mandatory. Committee feels this is unnecessary and inadvisable in some cases, and would be costly in all cases.  
Resolution adopted.

HB 882, imposing a mandatory minimum 6 month sentence for conviction of operating under the influence of intoxicating liquor or controlled drug with another's death resulting. Inexpedient to Legislate.  
Rep. Aller for Judiciary.

Under present law a person is guilty of a class B felony if he causes the death of another in consequence of being under the influence of intoxicating liquor or controlled drug while operating a propelled vehicle or boat. This bill mandates a 6 month sentence. Committee feels discretion should be left with judges who may be aware of mitigating circumstances, and who can apply the law to each individual case as the particular facts require.

Rep. Brack moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Currier spoke against the motion.

Rep. Clyde Eaton spoke in favor of the motion.

A roll call was requested.  
Sufficiently seconded.

(Speaker presiding)

YEAS 146 NAYS 189

YEAS 146

BELKNAP: Morin, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson and Towle.

CHESHIRE: Dostilio, Galloway, Anne Gordon, Elmer Johnson, Moore, Proctor, Russell, Terry, Vrakatitsis and Whipple.

COOS: Huggins, Hunt, Alcide Valliere and Wiswell.

GRAFTON: Aldrich, Ira Alen, Buckman, Clark, Cornelius, Duhaime, Gemmill, Neil McIver, Taffe, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Bednar, Bernier, Emile Boisvert, Wilfrid Boisvert, Brack, Brody, Carswell, Mark Connolly, Corser, Joseph Cote, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Cort Hansen, George Healy, Karnis, Knight, LaPlante, Madigan, Marcoux, Martineau, McGlynn, McLaughlin, Morgan, Fred Murray, Nemzoff-Berman, O'Neil, Paradis, Pelletier, Plomaritis, Podles, Polak, Leonard Smith, Soucy, Wallace, Wallin, Emma Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Chandler, Eugene Daniell, Foley, LaBonte, Donna MacIvor, Mullin, Pratt, Rice, Doris Riley, Shepard, Stefanides, Stockman and Waters.

ROCKINGHAM: Barka, Bisbee, Blake, Collins, Dunfey, Erler, Beverly Gage, Ganley, Hoar, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Niebling, Parr, Pucci, Anthony Randall, Rogers, Rossley, Skinner, Alfreda Smith, Splaine and Wojnowski.

STRAFFORD: Appleby, Belhumeur, Canney, Donnelly, Bruce French, Joncas, Joos, Kelly, Kincaid, Maglaras, Meader, Morrisette, Nadeau, Osgood, Preston, Dennis Ramsey, Torrey, Tripp, Voll and Shirley White.

SULLIVAN: D'Amante, Desnoyer, Ingram, LeBrun, Spaulding and George Wiggins.

NAYS 189

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Coyette, Lawton, Mansfield, Marsh, James Murray, Nighswander and Sabbow.

CARROLL: Clafin, Found, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Fillback, Irvin Gordon, Hogan, Krause, Marshala, Matson, Parker, Scranton, Slack and Terry Wigin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Keough, George Lemire, Oleson, Poulin, Mabel Richardson, Theriault and York.

GRAFTON: Chambers, Copenhaver, Crory, Dearborn, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taylor, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Aubut, Belanger, Albert Bellemore, Bosse, Bridges, Burke, Coburn, Margaret Cote, Crotty, Currier, William Desmarais, L. Penny Dion, Drewniak, Girolimon, Sal Grasso, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Lachance, Armand Lemire, Levesque, Lyons, Martin, McDonough, Morrison, Kerry O'Connor, Timothy O'Connor, Orcutt, Pappas, Arnold Perkins, Peters, Record, Henry Richardson, Seamans, Simard, Sing, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Geraldine Watson, Welch, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Richard Hanson, James Humphrey, Polly Johnson, McLane, McNichol, Packard, Pelton, Arthur Perkins, Ralph, Rich, Gerald Smith, Tarr, Doris Thompson, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Aller, Benton, Blanchette, Campbell, Carpenito, Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Robert Day, Felch, Flanagan, Gould Greene, Grieco, Griffin, Hartford, Krasker, Laycock, Maynard, Donna McEachern, Joseph McEachern, Nelson, Norton, O'Keefe, Parolise, Quimby, Richards, Schwaner, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wolfson and Zabarsky.

STRAFFORD: Burchell, Charles Grassie, Hebert, Horrigan, Lefavour, Maloomian, Ruel, Schreiber and Valley.

SULLIVAN: Barrus, Brodeur, Gray, Lewko, Lucas, Scott, Sara Townsend and Tucker, and the motion lost.

Resolution adopted.

HB 942, defining terms relative to franchises. Inexpedient to Legislate. Rep. Martin for Judiciary.

The committee has already voted "ought to pass" other legislation defining "franchise," "franchisee," and "franchisor". This bill is inconsistent with the prior legislation (HB 853). The vote was 10-0.

Rep. Marsh spoke against the committee report.

Rep. Carpenito spoke in favor of the committee report.

Rep. Martin moved that HB 942 be laid upon the table.

Adopted.

HB 734, relative to taxing radio and television towers. Ought to Pass with Amendment. Rep. Mann for Municipal and County Government.

Presently, electronic broadcasting towers are not taxable although electrical transmission lines supplying power and light are. The Committee feels that taxation of radio and television towers is justified in that they take up land and require such town services as fire protection. The amendment limits this legislation to commercial towers as the sponsor intended.

Rep. Mann yielded to questions.

Rep. Terry Wiggin moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, spoke to his motion, and yielded to questions.

Rep. Mann spoke against the motion.

On a voice vote, the Speaker was in doubt and requested a division.

Rep. Close abstained from voting under Rule 16.

119 members having voted in the affirmative, and 214 in the negative, the motion lost.

#### Amendment

Amend RSA 72:7-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

72:7-c Commercial Radio and Television Towers and Antennae. Commercial radio and television towers and antennae, however attached, shall be taxed as real estate in the town in which said towers and antennae are located.

Amendment adopted.

Ordered to third reading.

HB 903, permitting the legislative body of any city or town to regulate and control the timing of all types of

development. Refer to the Committee on Municipal and County Government for Interim Study. Rep. King for Municipal and County Government

This bill is in response to the rapid development in the southern part of the state. Solutions are needed but need to be considered in relation to the rest of the state.

Rep. Krasker moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Municipal and County Government for Interim Study, and spoke to her motion.

Reps. Richard Hanson and Bridges spoke against the motion.

Reps. Niebling, Griffin, Zabarsky and Felch spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 230 NAYS 111

YEAS 230

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Coyette, Hildreth, Morin, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found, Keller, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Galloway, Elmer Johnson, Matson, Moore, Parker, Proctor, Russell, Slack Terry, Vrakatitsis, and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Horton, Huggins, Hunt, Keough, Oleson, Poulin, Mabel Richardson, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Gemmill, Snell, Taffe, Taylor and Ward.

HILLSBOROUGH: Ahern, Ainley, Bernier, Wilfrid Boisvert, Brack, Brody, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Nancy Gagnon, Gelinas, Girolimon, Granger, Cort Hansen, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Knight, Lachance, Lamy, LaPlante, Levesque, Lyons, Marcoux, Martin, McGlynn, McLaughlin, Morgan, Morrison, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Peters, Plomaritis, Podles, Record, Henry Richardson, Paul Riley, Seamans, Simard, Leonard Smith, Soucy, St. George, Stahl, Harold Thomson, Wallin, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate,

Eugene Daniell, Foley, Hess, James Humphrey, Donna MacIvor, McLane, McNichol, Mullin, Pelton, Arthur Perkins, Pratt, Ralph, Rice, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Bisbee, Blake, Blanchette, Campbell, Carpenito, Connors, Cotton, Dunfey, Erler, Felch, Flanagan, Ganley, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Skinner, Alfreda Smith, Splaine, Stimmel, Stratton, Vlack, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Burchell, Bruce French, Charles Grassie, Horrigan, Joncas, Joos, Kelly, Lessard, Maglaras, Maloomian, Meader, Morrissette, Rod O'Connor, Osgood, Dennis Ramsey, Ruel, Schreiber, Torrey, Valley, Voll and Shirley White.

SULLIVAN: D'Amante, Desnoyer, Gray, LeBrun, Lewko, Scott and Sara Townsend.

#### NAYS 111

BELKNAP: Marshall French, Lawton, Mansfield, Marsh and James Murray.

CARROLL: Claflin, Howard and Kenneth MacDonald.

CHESHIRE: Callahan, Fillback, Anne Gordon, Irvin Gordon, Hogan, Krause, Marshala, Scranton and Whipple.

COOS: Burns, Fortier, George Lemire, Theriault and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Logan, Mann, Neil McIver, Pepitone, Rounds, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Arnold, Aubut, Bednar, Belanger, Albert Bellemore, Emile Boisvert, Bosse, Bridges, Burke, Coburn, Joseph Cote, Currier, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Sal Grasso, George Healy, Karnis, Armand Lemire, Madigan, Martineau, Fred Murray, Timothy O'Connor, Arnold Perkins, Polak, Sing, Edward Smith, Stylianos, Francis Sullivan, Kevin Sullivan, Van Loan, Wallace, Geraldine Watson and Welch.

MERRIMACK: Bellerose, Chandler, Richard Hanson, Polly Johnson, LaBonte, Packard, Rich, Doris Riley, Stefanides and Tarr.

ROCKINGHAM: Benton, Collins, Cummings, Cunningham, Danforth, Davis, Robert Day, Beverly Gage, Gaskill, King, Nelson, Norton, Schwaner, Tavitian, Webster and Wolfson.

STRAFFORD: Belhumeur, Canney, Donnelly, Hebert, Kincaid, Lefavour, Nadeau, Preston, Tripp and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Ingram, Lucas, Spaulding, Tucker and George Wiggins, and the motion passed.

Ordered to third reading.

HB 1077, relative to a circumferential highway in Hudson. Refer to the Committee on Public Works for Interim Study. Rep. James J. White for Public Works

Additional information is needed relative to input from Nashua Planning Commission as well as further information from Hudson town officials and the Department of Public Works and Highways.

Rep. James J. White yielded to questions.

Adopted.

HB 1177, establishing an interim study committee on 21 compact areas. Refer to the Committee on Public Works for Interim Study. Rep. McLaughlin for Public Works.

It was unanimously (14 - 0) voted that this bill be sent to interim study.

Adopted.

HB 470, providing for local option approval of the sport of jai alai under the direction and supervision of the state jai alai commission. Majority: Ought to Pass. Rep. Sanborn for Regulated Revenues; 1st Minority: (Reps. Cunningham, Sanborn, and Anne B. Gordon): Inexpedient to Legislate. 2nd Minority (Reps. Rounds and George I. Lemire): Refer to Regulated Revenue for Interim Study.

Majority: The majority of the Committee felt that this bill would be a good source of revenue for the state and would provide an additional tourist attraction. Committee vote was 11-5.

1st Minority: The First Minority felt this should be inexpedient to legislate because betting would be on individual and it is very questionable if New Hampshire could successfully support another pari-mutuel betting operation. The rejection of gambling casinos and slot machines indicated clearly a general opposition to new gambling revenue proposals.

2nd Minority: The Second Minority feels that the subject deserves further study and should be referred to interim study.

Rep. Cunningham moved that further consideration of HB 470 be Indefinitely Postponed, and spoke to his motion.

Reps. Kashulines, Dunfey, Wallace, James White, Levesque and Lawton spoke against the motion.

Reps. John Winn, McLane, Griffin, Ward, Coutermarsh and Spirou spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.



(Speaker presiding)  
YEAS 207 NAYS 139  
YEAS 207

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claflin, Raymond Conley, Found, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Fillback, Anne Gordon, Irvin Gordon, Hogan, Krause, Marshala, Matson, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Terry Wiggin.

COOS: Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, Oleson, Poulin, Wiswell and Neila Woodward.

GRAFTON: Chambers, Clark, Copenhaver, Cornelius, Crory, Gemmill, Logan, Neil McIver, Rounds, Taffe, Taylor, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Albert Bellemore, Emile Boisvert, Bosse, Brack, Brody, Carswell, Coburn, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Catherine-Ann Day, Arline Dion, L. Penny Dion, Joseph Eaton, Nancy Gagnon, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Marcoux, Martin, McGlynn, Morgan, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Peters, Podles, Record, Paul Riley, Edward Smith, Leonard Smith, Spirou, St. George, Stahl, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallin, Geraldine Watson, Emma Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, John Cate, Eugene Daniell, Richard Hanson, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Ralph, Rice, Rich, Stockman and Trachy.

ROCKINGHAM: Aeschliman, Akerman, Aller, Benton, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Davis, Robert Day, Flanagan, Beverly Gage, Canley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Norton, Parolise, Pucci, Quimby, Anthony Randall, Richards, Rogers, Scamman, Skinner, Alfreda Smith, Stimmell, Vlack, Helen Wilson, Wojnowski, Wolfson and Zabarsky.

STRAFFORD: Appleby, Burchell, Horrigan, Joos, Kelly, Lessard, Meader, Rod O'Connor, Preston, Sackett, Schreiber, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Gray, Ingram, Lewko, Lucas, Spaulding, Sara Townsend and Tucker.

NAYS 139

BELKNAP: Ambrose, Goyette, Lawton, Marsh, James Murray and Sabbow.

CARROLL: Roderick Allen, Dickinson, Howard, Keller and Kenneth Smith.

CHESHIRE: Dostilio, Galloway, Elmer Johnson, Parker, Slack, Vrakatitsis and Whipple.

COOS: Burns, Cooney, George Lemire, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Duhaime, Mann, Pepitone, Snell and Glyneta Thomson.

HILLSBOROUGH: Ahern, Arnold, Aubut, Bednar, Belanger, Bernier, Wilfrid Boisvert, Bridges, Burke, Joseph Cote, Crotty, Cullity, Currier, William Desmarais, Drewniak, Clyde Eaton, Gabrielle Gagnon, Gelin, Girolimon, Granger, Sal Grasso, Daniel Healy, George Healy, Karnis, Knight, Lachance, Lamy, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Martineau, McLaughlin, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Plomaritis, Polak, Henry Richardson, Seamans, Simard, Sing, Soucy, Francis Sullivan, Wallace, Welch, Robert Wheeler, James J. White and Ziakas.

MERRIMACK: Bellerose, Bibbo, Milton Cate, Chandler, Foley, Hess, James Humphrey, Pratt, Doris Riley, Shepard, Gerald Smith, Stefanides, Tarr, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Barka, Bisbee, Danforth, Dunfee, Erler, Felch, Coff, Kashulines, King, Niebling, O'Keefe, Parr, Rossley, Schwaner, Splaine, Stratton, Tavitian and Webster.

STRAFFORD: Belhumeur, Canney, Donnelly, Bruce French, Hebert, Joncas, Kincaid, Lefavour, Maglaras, Maloonian, Mavisette, Nadeau, Osgood, Dennis Ramsey, Ruel and Tripp.

SULLIVAN: Brodeur, D'Amante, Desnoyer, LeBrun, Scott and George Wiggins, and HB 470 was indefinitely postponed.

Reps. Stomberg and Michael Woodard wished to be recorded in favor of Inexpedient to Legislate.

HB 1080, authorizing games of chance at agricultural fairs. Refer to the Committee on Regulated Revenues for Interim Study. Rep. Cunningham for Regulated Revenues.

The committee felt that there were too many unknown factors to rush into this type of broadening and regulating gambling operations. The vote was 16-1. Resolution adopted.

Reps. Stomberg and Michael Woodard wished to be recorded in favor of the committee report.

HBI 2001, relating to an investigation into the cost/benefits of land fill dumping versus contamination of air from open burning of open dumps. Refer to the Committee on Environment and Agriculture for Interim Study. Rep. Taylor for Science and Technology.

The committee on Environment and Agriculture has worked diligently on the subject of dumps. That committee has the expertise in this area and thus should have this bill for study and whatever action it sees fit to take.

Rep. Taylor moved that HBI 2001 be referred to the committee on Science and Technology for Interim Study.  
Adopted.

The Speaker rescinded the referral to Appropriations on HB 355, regulating health maintenance organizations.

Ordered to third reading.

The Speaker rescinded the referral to Appropriations on HB 970, providing for the withdrawal of the Greenland, New Castle, Newington and Rye school districts from Supervisory Union No. 52.

Rep. Krasker moved that HB 970, be laid upon the table.  
Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 4 at 8:30 a. m.

Rep. Wilfrid Boisvert offered an amendment to the motion that HB 1003, relative to union school district in Nashua, be deleted from the third reading motion, and spoke to his amendment.

Rep. Wallin spoke against the amendment.

Amendment lost.

Rep. Marshall French offered an amendment to his motion that the House meet at 9:30 a.m., and spoke to his amendment.

Rep. Spirou spoke in favor of the amendment.

Amendment adopted.

Motion adopted.

#### LATE SESSION

Third reading and final passage

HB 846, amending the city charter of Nashua relative to the election of the board of education.

HB 688, relative to trust company director's stock holdings.

HB 859, relative to prohibited collateral under the small loans law.

HB 947, relative to guaranty funds of building and loan associations.

HB 881, relative to the recovery of local assistance.

HB 936, relative to the good samaritan law.

HB 686, relative to the duties of persons involved with vital statistics.

HB 687, amending certain statutes relative to vital statistics.

HB 621, relative to the placement of children in licensed facilities.

HB 938, allowing permits for child care facilities.

Hb 1024, applying the settlement law to municipal contributions for old age assistance and aid to the permanently and totally disabled.

HB 1031, to allow local units of government to enter interlocal agreements for the performance of any legal municipal function.

HB 1032, relative to the Saco watershed commission.

HB 1033, relative to the exchange of tax information between state and federal government.

HB 235, to permit stolen and other property to be restored to rightful owners in advance of trial or appeal.

HB 776, relative to the definition of a person beneficially interested in an account filed in probate court.

HB 777, relative to unfair, deceptive or unreasonable collection practices.

HB 1050, establishing a committee to study legislation affecting municipalities.

HB 711, eliminating the requirement that town clerks send reports to certain state societies.

HB 916, permitting planning boards to require a subdivider to install prescribed traffic control devices.

HB 1156, relative to the property tax lien for the elderly and disabled.

HB 1078, relative to the establishment of a permanent subcommittee on architectural barrier free design on the governor's committee on employment of the handicapped.

HB 892, relative to temporary transfer of prisoners.

HB 355, regulating health maintenance organizations.

HB 869, clarifying the priority of claims against insolvent insurance companies.

HB 943, relative to the crime of exposing minors to harmful materials.

HB 1003, relative to union school district in Nashua.

HB 836, relative to taxation of residence in industrial or commercial zones.

HB 941, permitting an appeal from the granting of a license to operate a motor vehicle junk yard.

HB 1119, relative to strip development along highways.

HB 802, relative to the system of birth registration.

HB 1015, relative to the liability of veterinary board and engineers board.

HB 313, prescribing the manner of posting land and providing a penalty for trespassing on posted land.

HB 816, relative to requiring a public hearing prior to reclamation of any pond by the fish and game department.

HB 906, relative to the appointment and qualifications of the fish and game commission and providing for the appointment and removal of the executive director of the fish and game department.

HB 1021, requiring the filing of relinquishments with the department of health.

HB 787, relative to mental health evaluations of minors before the juvenile court.

HB 653, imposing a deadline for the adoption of a county budget and requiring the signatures of the chairman and clerk of the county convention for filing the adopted budget.

HB 681, relative to the disposition of municipal records.

HB 734, relative to taxing radio and television towers.

HB 795, permitting a county to borrow money in anticipation of federal or state aid or both.

HB 905, relative to the licensing of businesses in a town.

HB 874, repealing the law that exempts the department of employment security from the right to know law.

HB 1074, requiring planning board findings, conclusions and decisions to be prepared in written form.

HB 903, permitting the legislative body of any city or town to regulate and control the timing of all types of development.

#### RECONSIDERATIONS

Rep. Claflin moved that the House reconsider its action whereby it referred to Interim Study HB 742, to reclassify part of the Pennichuck brook and authorize use of the Merrimack river water in the Pennichuck water works system.

Reconsideration lost.

Rep. Sing moved that the House reconsider its action whereby it passed HB 846, amending the city charter of Nashua relative to the election of the board of education.

Reconsideration lost.

#### NOTICES OF RECONSIDERATION

Rep. Mann served notice that today or some subsequent day, as limited by the rules, he would ask the House to reconsider its action in killing HB 975, relative to mandatory installation of smoke detectors in structures for occupation built after 1978.

Rep. Dickinson served notice that today or some subsequent day, as limited by the rules, he would ask the House to reconsider its action in killing HB 239, providing for local designation of certain

specified resource areas as critical and locally regulating land use therein.

Rep. Arthur Perkins served notice that today or some subsequent day, as limited by the rules, he would ask the House to reconsider its action in indefinitely postponing HB 656, relative to the number of challenges of jurors in murder trials.

#### ENROLLED BILLS AMENDMENT

SB 58, relative to the rule-making powers of the weights and measures division of the department of agriculture.

#### Amendment

Amend section 1 of the bill by striking out lines 2 and 3 inserting in place there the following:

Amend RSA 359-A:8 (supp) as inserted by 1969, 457:2 as amended by striking out said section and inserting in place thereof the following:

This amendment corrects a technical error in the amending language.

Adopted.

#### ENROLLED BILLS REPORT

SB 188, legalizing a regular meeting of the Monadnock regional school district.

SB 24, relative to the statutory definition of "farm, agriculture, farming."

HB 340, abolishing the police commission in Claremont.

HB 468, opening Christine lake in the town of Stark to ice fishing.

HB 174, increasing the fee for motorcycle operator's license to \$12 and providing an effective period for such licenses of 4 years.

HB 263, relative to the emergency generator at the state prison.

HB 430, authorizing dealers to issue temporary plates for 20 days.

HB 60, relating to registration and examination fees for professional engineers.

HB 238, relative to the investment powers of savings banks.

Rep. James J. White

For the Committee

#### RECONSIDERATIONS

Rep. Griffin moved that the House reconsider its action whereby it passed HB 903, permitting the legislative body of any city or town to regulate and control the timing of all types of development.

Reconsideration lost.

Rep. Hildreth moved that the House reconsider its action whereby it killed HB 977, authorizing school boards to release graduating high school seniors early.

Reconsideration lost.

Reps. Coutermarsh, Spirou, Marshall French and Griffin moved that the house adjourn.

Adopted.

The House adjourned at 6:45 p.m.



# HOUSE JOURNAL 33

*Wednesday, 4 May77*

The House met at 9:30 a.m.

Prayer was offered by Guest Chaplain, Rev. James Martinez, Gilmanton, N. H.  
Almighty God of Abraham, Isaac, and Jacob; of Jefferson, Washington and Abigail Adams; . . . of Webster, Pierce and Alan Shepard:

We pause before entering into the deliberations of this meeting to invoke Your wisdom and guidance upon what we say and decide here.

We are grateful to You for the progress that has been made by this body, and by the administration, in making this state a better place in which to live. In this great state, we are constantly humbled by its tremendous problems, opportunities, and the pressure of special needs.

Forgive us for those actions which make our consciences uneasy in Your presence. The front which we polish so carefully for others to see, does not deceive You, for You know every thought that has left its shadow on our memories.

Make us constantly aware of our responsibility to work together and in partnership for that which fulfills righteousness, justice, and honesty; and which is in the best interest of all.

Give us wisdom beyond our limited knowledge, insight beyond our restricted vision, courage beyond political considerations, comparison beyond our limited experience; that the work You have given each of us may be the reflection of Your will for the area in which we live, and for the whole state which we humbly serve. In the name of our Lord. Amen!

Rep. Crory led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Myrl Eaton, Appel, Willey, Burrows, Forsaith Daniels, Belhumeur, Baker and Barka, the day, illness.

Reps. Brack, Roland Boucher, J. Herchek, Cutliffe, Lynch, Miller, Goyette, Alter, Kaklamanos, LaFleur and Desmarais, the day, important business.

## COMMITTEE REPORTS (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 276, 432, 511, 529, 610, 396, 770, 771, 983, 984, 987, 956, 994, 996, 998, 1110, 1111, 963, 1025, 1135, 849, 893, 944, 959, 1034, 1037, 1039, 1041, 1042, 744, 908, 924, 978, 1061, 1182, 974, 1169, 810, 830, 935, 940, 1092, 1093, 1179, and HBIs 2029, and 2038, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 205, 371, 409, 448, 982, 993, 999, 1022, 1027, 1128, 1134,

931, 1139, 572, 900, 902, 968, 1060, 1149, 1163, 1173, 809 and 939, and further moved that the house adopt the committee recommendation of Ought to Pass with Amendment on HBs 93, 207, 218, 250, 410, 505, 525, 550, 555, 717, 861, 867, 961, 995, 1004, 803, 1124, 814, 1141, 950 and 154, and further moved that the House adopt the committee recommendation of Refer to Interim Study by the appropriate standing committees on HBs 957, 962, 981, 1106, 1108, 1132, 1133, 845, 888, 930, 965, 1040, 1138, 1140, 826, 901, 915, 960, 966, 1062, 1066, 1068, 1071, 1154, 1183, 885 and HBIs 2036, 2015 and 2027.

HB 154 was withdrawn from the Consent Calendar at the request of Rep. Kashulines.

HB 845 was withdrawn from the Consent Calendar at the request of Rep. Lucas.

HB 826 was withdrawn from the Consent Calendar at the request of Rep. Charles Grassie.

HB 830 was withdrawn from the Consent Calendar at the request of Rep. Howard.

HB 978 was withdrawn from the Consent Calendar at the request of Rep. Splaine.

HB 744 was withdrawn from the Consent Calendar at the request of Rep. Gary Dionne.

HB 966 was withdrawn from the Consent Calendar at the request of Rep. Blakeney.

HB 1183 was withdrawn from the Consent Calendar at the request of Rep. Splaine.

HB 250 was withdrawn from the Consent Calendar at the request of Rep. Dickinson.

HB 998 was withdrawn from the Consent Calendar at the request of Rep. Marshall French.

Adopted.

HB 276, to transfer certain costs of the superior court from the counties to the state, and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

The Committee feels that this new spending program has merit but should be considered in a comprehensive revision of New Hampshire's judicial system. The recommendation of the Committee is that HB 276 be sent to the Judicial Planning Committee for interim study. Unanimous vote by the Committee.

HB 432, making an appropriation to continue the Coho Salmon program until fiscal 1980. Inexpedient to Legislate. Rep. John Tucker for Appropriations.

This bill would have extended the Coho Salmon program through fiscal 1980. The appropriation and time will be covered in the operating budget.

HB 511, relative to regulation of refrigeration technicians. Inexpedient to Legislate. Rep. John Tucker for Appropriations.

Testimony before the Committee did not indicate a pressing need to pass this



bill at the present time. The Committee feels that a potential problem exists and recommends that HB 511 be referred to the special boards and commissions study committee for interim study. Unanimous vote of the Committee.

HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor. Inexpedient to Legislate. Rep. John Tucker for Appropriations.

The Committee considered this bill as a new spending proposal which it could not go along with in line of our current fiscal situation. Unanimous vote of the Committee.

HB 610, granting certain disabled veterans toll-free use of New Hampshire turnpikes. Inexpedient to Legislate. Rep. John Tucker for Appropriations.

This bill would provide another group of toll-free people.

HB 396, relative to advertising by public utilities. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

This bill is covered in HB 627.

HB 770, relative to the qualifications of private investigators. Inexpedient to Legislate. Rep. Crory for Commerce and Consumer Affairs.

This bill requires a private investigator to have two years of experience in a detective agency or various law enforcement agencies before being issued a license to be a private investigator. The Committee voted 11-0 that this additional qualification was restrictive and not desirable.

HB 771, relating to the regulation of advertising permitted by certain public utilities. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

Features of this bill are covered in a subcommittee amended bill.

HB 983, relative to requiring enclosures of consumer information with monthly utility bills. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

This bill was withdrawn at request of sponsors.

HB 984, relative to requiring insurance companies to give advanced notice of certain policy cancellations to the insured. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

Present law (RSA 417:3) requires a 45-day notice to cancel homeowner policies. This is the type most important to homeowners.

HB 987, eliminating minimum fee charges by municipal waterworks and requiring all such waterworks' fee increases to be approved by the public utilities commission. Inexpedient to Legislate. Rep. Lamy for Commerce and Consumer Affairs.

The main thrust of this bill is to eliminate minimum charges. It is the Committee's opinion that the readiness to serve is a service to the customer and is a proper charge.

HB 956, relative to the confidentiality of ages of parties in district and municipal court cases. Inexpedient to Legislate. Rep. Buckman for Constitutional Revision.

The Committee received a letter from the Attorney General requesting the Committee report this bill as Inexpedient to Legislate. The Attorney General's reasoning was that he was trying to protect what he considered to be an important and legitimate law enforcement interest which would be affected if this bill was enacted as law in its present form.

HB 994, relative to exceeding appropriations under the municipal budget law. Inexpedient to Legislate. Rep. Morrison for Constitutional Revision.

Under this bill, a city or town official who overspends is guilty until proven innocent. The burden of proof is moved to the accused official. This bill is unnecessary, since exceeding appropriations is covered fairly in the Municipal Budget Law.

HB 996, permitting the publication of the name of a juvenile arrested for a delinquent act involving the use of a deadly weapon. Inexpedient to Legislate. Rep. Hess for Constitutional Revision.

The Committee unanimously agreed that there was no reason to enact this bill, which would allow publication of a juvenile's name when he is arrested for a delinquent act involving a deadly weapon.

HB 1110, relative to child support collection provisions. Inexpedient to Legislate. Rep. Foley for Constitutional Revision.

These problems are taken care of in HB 913 as amended.

HB 1111, relative to probation officers. Inexpedient to Legislate. Rep. Foley for Constitutional Revision.

The problems addressed in this bill are taken care of in HB 913 as amended.

HB 1209, Relating to devising a method for citizens redress upon the violation of a statute or provision of the constitution by a city, town, county or state. Inexpedient to Legislate. Rep. Seamans for Constitutional Revision.

This bill of intent is the same as HB 998 which was reported out to the House as inexpedient to legislate. Committee report was unanimous. Average citizen is covered under present statutes in that he or she is entitled to representation by Legal Services if they feel that city or town ordinances have infringed upon their rights as citizens.

HB 963, relative to the handling of official legislative inquiries. Inexpedient to Legislate. Rep. Close for Executive Departments and Administration.

The Committee endorses the bill's concept and supports the intention to make state government more open and responsive to all citizens. The Committee feels, however, that a bill requiring individuals in state government to respond to legislative inquiries within a certain time period, would set the legislature apart as a select group.

HB 1025, relative to family day care. Inexpedient to Legislate. Rep. Willey for Health and Welfare.

Was withdrawn at the request of the sponsor.

HB 1135, establishing a bureau of children's services in the department of health and welfare, division of public health services. Inexpedient to Legislate. Rep. Copenhagen for Health and Welfare.

This bill would add a cumbersome burden as far as staffing and office space for the Department of Health and Welfare. Committee vote was 11-1.

HB 849, relative to liens for delinquent charges of municipally owned utilities. Inexpedient to Legislate. Rep. Aller for Judiciary.

The Committee felt that if this bill were enacted it would give a preference to the municipally owned utilities and discriminate against the privately owned utilities. Furthermore, the passage of this bill would put an unnecessary burden on the tax collector and hamper them in their everyday duties. More personnel would be needed to accommodate the larger paper work volume involved, as well as the keeping of additional records. Also, this would be a physical overburden on the officers themselves, having, at this moment, no extra room as it is.

HB 893, relative to exempting public officials from liability for bodily injury in certain cases. Inexpedient to Legislate. Rep. Currier for Judiciary.

This bill is unnecessary. Existing law provides the protection for immunization of officials sought by the sponsor of this bill.

HB 944, amending the consumer class actions. Inexpedient to Legislate. Rep. Carpenito for Judiciary.

Passage of this bill, to repeal the right of consumers to file class action suits, would be inconsistent with the current trends in consumer protection law. Further, the repeal of this simple legal device allowing for class actions would actually create more court backlogs and cause of hardships on consumers who may be similarly wronged by a manufacturer of a defective product but without class action provisions they would be unable to be adjudicated without filing separate actions.

HB 959, providing for reclassification of certain crimes and modification of certain penalties in the criminal code and other amendments thereto. Inexpedient to Legislate. Rep. Martin for Judiciary.

This bill addresses two issues:

A. It provides that a defendant charged with a criminal offense can choose to be tried either in a district or a superior court. it would eliminate the defendant's right to appeal that decision.

B. It increases the maximum imprisonment sentences for class A and class B felonies. The maximum sentences presently are 15 years for class A and 7 years for class B. HB 959 increases class A to maximum 30 years and class B maximum 15 years. The Committee voted this bill inexpedient to legislate because a defendant charged with a criminal offense is constitutionally entitled to a jury trial - and, there are very few district courts equipped to handle jury trials. Furthermore, the Committee did not want to restrict the defendant's right to appeal.

There was no evidence presented to the Committee to justify increasing these maximum sentences.

HB 1034, granting the superior court jurisdiction to hear a criminal case for a violation of RSA 24:15. Inexpedient to Legislate. Rep. Ayles for Judiciary.

Under present law if a county commissioner or elected county officer pays or agrees to pay or incur any liability for the payment of any sum which is not appropriated or is in excess of any appropriation he is guilty of a misdemeanor.

This bill requires the prosecution for violation of this law to be in the superior court in the county where the violation is alleged to have occurred. The Committee felt this bill is unnecessary and unwise. It created the precedent of removing a certain misdemeanor from the jurisdiction of the district courts.

HB 1037, eliminating the appeal of violation convictions to the superior court. Inexpedient to Legislate. Rep. Ayles for Judiciary.

This bill would eliminate the appeal of violation convictions to the superior court. The Committee felt that individuals ought to retain the right to appeal convictions of violations. Under present law those appeals are to the superior court and are heard by a judge.

HB 1039, relative to the penalty imposed for assaulting a law enforcement officer. Inexpedient to Legislate. Rep. Carpenito for Judiciary.

Sponsor wished to withdraw this bill.

HB 1041, requiring the accounting of all stock and bonds sales proceeds by administrators to the probate court. Inexpedient to Legislate. Rep. Ayles for Judiciary.

This bill allows an administrator to sell stock and bonds without a license from the probate judge. The content of this bill was previously covered in HB 678 which was favorably reported out of this Committee.

HB 1042, establishing a session of the Somersworth district court in the town of Rollinsford. Inexpedient to Legislate. Rep. Doris Riley for Judiciary.

The town of Rollinsford at the present time is serviced by the Somersworth District court. There was no public testimony to prove the need of a district court session in Rollinsford. In fact, Rollinsford is less than five miles drive to the Somersworth District Court.

HB 12038, Relating to reviewing a judge's performance. Inexpedient to Legislate. Rep. Daniel Healy for Judiciary.

This bill of intent would create a statutory procedure and standards for reviewing judge's performance. The Committee felt that in light of the judiciary's recent establishment of the Judicial Conduct Committee that it would be inappropriate to legislate standards at this time.

HB 908, authorizing the county convention to appropriate certain federal funds. Inexpedient to Legislate. Rep. Packard for Municipal and County Government.

No one appeared and no testimony was received on this bill so the Committee had no basis on which to act.

HB 924, relative to holding cutters of timber liable for correct reporting for timber yield tax. Inexpedient to Legislate. Rep. Callahan for Municipal and County Government.

This bill is not workable.

HB 1061, requiring nonprofit hospitals to submit to an audit for property tax exemption, and local referenda every 6 years. Inexpedient to Legislate. Rep. Beverly Gage for Municipal and County Government.

Bill is very vague - would cause undue hardship on hospitals.

HB 1182, to permit the postponement for a limited time of any increase in the appraised value of improved real estate. Inexpedient to Legislate. Rep. Callahan for Municipal and County Government.

This bill will create more problems than it would solve.

HB 974, relative to the New Hampshire water supply and pollution control commission's participation in negotiations or contracts for engineering services related to sewage and other pollution control facilities. Inexpedient to Legislate. Rep. Nancy Gagnon for Resources, Recreation and Development.

The subject matter of this bill has previously been covered by HB 785. Unanimous vote of Committee.

HB 1169, relative to the state conveying properties known as the Pontook reservoir to the town of Dummer. Inexpedient to Legislate. Rep. Dickinson for Resources, Recreation and Development. This bill withdrawn at the request of the sponsor.

HB 810, requiring the director of the division of motor vehicles to promulgate rules for the bureau of certificate of title. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee feels that the passage of this bill would be inappropriate in light of the Legislature's responsibility to the people to make the rules and laws. This is what they are elected for.

HB 935, requiring written notification prior to the expiration of motor vehicle registrations. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee feels that a system of notification prior to the expiration dates of motor vehicle registrations would be much too costly to implement in light of the minor concern it addresses.

HB 940, relative to police patrolling interstate highways. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee feels that the curtailing of local police patrols on interstate highways especially in the northern part of our state can only jeopardize the safety of our citizens. The Department of Safety testified that it does not have enough men to cover the highways adequately and that they need the local police.

HB 1092, allowing local authorities to reduce speed limits within residential areas within their jurisdiction. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee saw a great possibility for a complex system of speed limits being set in local areas which could be confusing and unfair to our citizens. The Committee feels that the present system for determining and setting speed limits is adequate.

HB 1093, relative to the use of snow tires and snow chains. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee feels that because of the fluctuating weather conditions in New Hampshire, the difference in snowfall levels between our northern and southern areas, and the increasing use of radial tires in the winter there can be no fair way of implementing a mandatory snow tire and snow chain law.

HB 1179, prohibiting a truck-tractor from towing more than one semi-trailer at the same time. Inexpedient to Legislate. Rep. James Murray for Transportation.

The idea in this legislation already covered by HB 762.

HB 205, relative to claims for damages against motor transport companies. Ought to Pass. Rep. Tucker for Appropriations. Limits the time a consignee must wait for payment. Unanimous vote of Committee.

HB 371, relative to the use of highway relocation funds. Ought to Pass. Rep. Tucker for Appropriations.

Clarifies the present chapter.

HB 409, changing the name of RSA 483-A and specifying that certain penalties relative to state waters apply to all violators. Ought to Pass. Rep. Tucker for Appropriations.

Clarifies RSA 483 and adds another group subject to the penalties.

HB 448, relative to retirement benefits for judicial referees. Ought to Pass. Rep. Tucker for Appropriations.

This bill grants the retirement benefits to judicial referees who are presently serving but who have not met the requirements of RSA 490:2 or RSA 491:2 for retirement benefits. There are no additional state funds necessary.

HB 982, relative to reciprocity in dentists licenses. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This bill will allow reciprocal licensing only with those states whose quality of education and experience is as good or better than New Hampshire.

HB 993, relative to the regulation of the sale of variable contracts. Ought to Pass. Rep. Lamy for Commerce and Consumer Affairs.

This bill authorizes life insurance companies to issue variable contracts to make adjustments in the statutory regulation of separate accounts and the investment of assets of variable contracts.

HB 999, relative to joint authority of public officers. Ought to Pass. Rep. Foley for Constitutional Revision.

This is a simple bill. It protects the rights of minority. Unanimous vote.

HB 1022, relative to the state's reimbursement of certain nursing homes at 100 percent of reasonable cost. Ought to Pass. Rep. Helen Wilson for Health and Welfare.

Presently the state reimburses nursing homes for services rendered to recipients of old age assistance or aid to the permanently and totally disabled in nursing homes at a rate of 91 percent of reasonable costs. The present rate of reimbursement has created some hardship in the placement of these recipients in some cases. Vote was 12 - 0. Referred to Appropriations.

HB 1027, relative to funeral expenses for recipients of public assistance. Ought to Pass. Rep. Fred Murray for Health and Welfare.

The Committee vote was 10-1. Referred to Appropriations.

HB 1128, relative to child support enforcement. Ought to Pass. Rep. Alice Knight for Health and Welfare.

The Committee vote was 12-0. Referred to Appropriations.

HB 1134, making the person chargeable by law for a child's support and necessities primarily liable for the expenses of a neglected or delinquent child or person in need of supervision. Ought to Pass. Rep. Helen Wilson for Health and Welfare.

Committee vote was ought to pass 12-0.

HB 931, relative to the ability of a defendant to pay a judgment. Ought to Pass. Rep. Currier for Judiciary.

This bill expands the authority of a court to inquire into a defendant's ability to pay a judgment. The Committee vote was unanimous.

HB 1139, relative to the judicial budget procedure. Ought to Pass. Rep. Arthur Perkins for Judiciary.

Under present law the judicial branch must submit its expenditure requirements to the comptroller for inclusion in the budget submitted to the governor. Also, the state comptroller in conjunction with the justices of the supreme court prepares expenditure requirements for the supreme court.



The bill permits a judicial planning committee appointed by the chief justice of the supreme court to prepare a budget for all the courts requiring state funding. This budget will be submitted to the comptroller and directly to the legislature. This bill permits the judiciary to submit its budget directly to the legislature, as an independent third branch of government. The judiciary ought to have this right at the present time. The legislature should follow this procedure.

HB 572, relative to the custody of moneys raised for or received by various agencies of municipal government and the timely deposit of funds paid to town treasurer. Ought to Pass. Rep. King for Municipal and County Government.

The intent of this bill is to clarify who has custody of town funds, excluding trust funds, and to better define the treasurer's position.

HB 900, authorizing cities and towns to discontinue public highways subject to existing utility easements. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

This bill would preserve the municipalities right of easements when use of a roadway is discontinued.

HB 902, to specify criteria to be used by the board of taxation in reassessments of municipalities. Ought to Pass. Rep. Arnold Perkins for Municipal and County Government.

Provides for a hearing on the matter of reassessment.

HB 968, eliminating the 5 year requirement for reassessment of property held by a municipality for water supply or flood control purposes. Ought to Pass. Rep. Drewniak for Municipal and County Government.

This law is no longer necessary and is a hardship on the Department of Revenue Administration.

HB 1060, legalizing certain action taken by the town meeting in the town of Durham. Ought to Pass. Rep. Drewniak for Municipal and County Government.

Due to improper posting this bill is needed.

HB 1149, relative to the preparation of a town budget under the municipal budget act and budgets for counties, school districts and village districts. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

Bill revises budget committee laws - intending to improve them.

HB 1163, legalizing the 1977 annual town meeting of the town of Exeter. Ought to Pass. Rep. Drewniak for Municipal and County Government.

Due to questions by officials, this meeting needed legalizing.

HB 1173, relative to cemeteries. Ought to Pass. Rep. Raymond K. Conley Jr. for Statutory Revision.

This bill amends several sections of the statutes regarding cemeteries to provide for their better care and protection. It provides that the actual date of interment be recorded when body is placed in tomb or vault prior to burial.

Committee vote was unanimous.

HB 809, relative to staff requirements for the bureau of certificate of title in the division of motor vehicles of the department of safety. Ought to Pass. Rep. James Murray for Transportation.

The Committee has heard much testimony and has visited the title bureau to closely examine its work situation. It is the Committee's belief that the present 28 specifically enumerated positions allocated to this bureau is a restrictive number. This restriction (which is put on no other state department) is a great hindrance as this bureau seeks to reduce the great backload of work that has piled on it.

HB 939, authorizing the director of the division of motor vehicles to issue a 5 day permit for a motor vehicle, trailer, semi-trailer or tractor. Ought to Pass. Rep. James Murray for Transportation.

Under current law any New Hampshire citizen who wants to buy a vehicle out of state and wants to drive that vehicle back to New Hampshire in an unregistered condition, may obtain a 36 hour permit from the Division of Motor Vehicles to transport such a vehicle. The Committee feels 36 hours is too short a time to transport a vehicle from states that can be thousands of miles away. The passage of HB 939 which provides for a new 5 day permit should facilitate such unregistered vehicle transport from any state in the nation to New Hampshire.

HB 93, relative to the licensing of electrologists. Ought to Pass with Amendment. Rep. Tucker for Appropriations. Testimony given by the sponsor and representatives of the profession indicates a need to protect the consumer from unqualified electrologists. The appropriation will be covered by the required fees. The Division of Health and Welfare will administer the program.

#### Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Appropriation. The sum of \$2,000 is hereby appropriated to the division of public health services, department of

health and welfare for the fiscal year ending June 30, 1978 and the sum of \$1,300 for the fiscal year ending June 30, 1979, for the purpose of administering the provisions of section 1 of this act. These appropriations are in addition to any other sums appropriated to the division of public health services, department of health and welfare. The governor is authorized to draw his warrant of said sums out of any money in the treasury not otherwise appropriated.

HB 207, relative to hunting with bow and arrow. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Allows the taking of a second deer by bow and arrow hunters and requires a firearms license. Unanimous vote of Committee.

#### Amendment

Amend RSA 208:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

208:5 Bow and Arrow. Any resident upon the payment of a fee of \$7.50, or any nonresident upon the payment of a fee of \$20.50, shall be issued a special archery license; provided, however, that any resident or nonresident shall hold a valid hunting license as a prerequisite to obtaining this special archery license. Said special archery license shall entitle the holder to hunt deer with bow and arrow for the period from October 1 to the end of the regular deer season of each year throughout the state and in Bear Brook Refuge under the following conditions: A person holding such special license shall, notwithstanding RSA 208:7, be entitled to kill one deer under said special license and one deer as a holder of a firearms hunting license. Said special archery license shall also entitle the holder to hunt wild animals, game animals and game birds with bow and arrow during the open season therefor under the following conditions: If said nonresident not holding a New Hampshire hunting license shall be a person under 16 years of age he shall not be entitled to hunt under said special archery license except when accompanied by a properly licensed person who is 18 years of age or over. A special archery license shall not be required for residents less than 16 years of age, but such person while hunting with bow and arrow must be accompanied by a properly licensed person who is 18 years of age or over, and must further comply with all the provisions of this chapter. No person hunting under the provisions hereof shall carry any firearms and no deer shall be taken with firearms under the archery license. The prohibition against carrying firearms shall not apply to persons properly licensed to carry firearms. Any person taking deer under this section shall notify a conservation officer within 48 hours of such taking.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect June 27, 1977.

HB 218, relative to certain rules adopted by the bureau of off-highway recreational vehicles and establishing an OHRV fund. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Changes the name and establishes the authority for administration of the trails. Unanimous vote of committee.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

renaming the bureau of off-highway recreational vehicles and establishing an additional responsibility for the bureau.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Bureau Renamed. Amend RSA 269-C:1, I (supp) as inserted by 1973, 560:1 by inserting in line one after the word "vehicles" the following (and trails) so that said paragraph as amended shall read as follows:

I. "Bureau" means the bureau of off-highway recreational vehicles and trails, in the department of resources and economic development.

2 Bureau Renamed. Amend RSA 260-C:2 (supp) as inserted by 1973, 560:1 by inserting in line 3 after the word "vehicles" the following (and trails. Said bureau shall be commonly referred to as the bureau of trails.) so that said section as amended shall read as follows:

269-C:2 Bureau, Off-Highway Recreational Vehicles. There shall be established in the department of resources and economic development a bureau of off-highway recreational vehicles and trails. Said bureau shall be commonly referred to as the bureau of trails.

3 New Responsibilities. Amend RSA 269-C:3 by inserting in paragraph V the following new paragraph:

VI. The bureau shall have the responsibility for the development and maintenance of any recreational trails under RSA 216-F and shall administer any funds provided the department of resources and economic development for this purpose.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 410, relative to the competency of persons applying for a hunting license for the first time and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Allows for testing of first time license holders and the mechanics of insuring the instructors.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the competency of persons applying for a hunting license for the first time.

Amend RSA 214:23-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

214:23-a Certificate of Competency Required. No hunting license shall be issued to any resident or non-resident person unless he presents to the person authorized to issue such license either: (1) a certificate of competency as provided under this subdivision, or (2) satisfactory proof that he has successfully completed a hunter safety instruction course in another state equivalent to the course provided for by this chapter, or (3) satisfactory proof that he has previously had a hunting license issued to him in this or another state.

Amend section 3 of the bill by striking out same and renumbering section 4 to read as follows:

3.

HB 505, relative to parking facilities at Hampton Beach and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill changes the meters on the Boulevard and establishes metered parking in the central parking lot.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$12,000 is hereby appropriated to be expended by the department of resources and economic development for the purchase and installation of clock-type parking meters at the Hampton Beach central parking lot.

2 Appropriation. The sum of \$70,500 is hereby appropriated to be expended by the department of resources and economic development for the replacement of present parking meters on Hampton Beach boulevard with clock-type parking meters.

3 Bonds Authorized. To provide funds for the appropriation in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$82,500 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Provided, however, that the bonds issued for the purpose herein shall have a maturity date of 5 years from the date of issue.

4 Revenue Allocation. Revenue derived from the parking meters at Hampton Beach central parking lot and revenue derived from parking meters on the Hampton Beach boulevard shall be deposited in the Hampton Beach parking meter account as provided in 1953, 218:10.

5 Effective Date. This act shall take effect upon its passage.

HB 525, authorizing a transfer of funds between two projects in the 1975

capital budget. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Authorizes a transfer from the Department of Safety building surplus of \$30,000 for completion of State Police Troop "A" headquarters at Epping.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Transfer Authority Granted. The governor and council are hereby authorized to transfer a sum not to exceed \$30,000 from funds appropriated under 1975, 504:1, VI (a) to the amount appropriated under 1975, 504:1, VI, (b) as amended by 1976, 53:2.

HB 550, relative to agreements with veterinary medical schools to provide education to qualified New Hampshire residents. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The bill as amended revises the present law to increase the annual payment to veterinary medical schools from the present \$8,000 to \$8,500. This measure is necessary due to increased contract costs required by veterinary schools across the nation. The Committee vote was unanimous.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Agreements Authorized. Amend RSA 332-C:1 (supp) as inserted by 1972, 60:68, as amended by striking out in line 9 the words "eight thousand dollars" and inserting in place thereof the following (\$8,500, or such additional amounts as may be appropriated each biennium for this purpose by the general court) so that said section as amended shall read as follows:

332-C:1 Agreements Authorized. The governor is authorized to enter into an agreement with the board of trustees of any veterinary medical school accredited by the American Veterinary Medical Association, or its successor organization, for the purpose of providing veterinary medical education to qualified New Hampshire residents. The contract shall provide for the enrollment of not more than 5 students for each class year. A sum not to exceed \$8,500, or such additional amounts as may be appropriated each biennium for this purpose by the general court, shall be paid yearly for each student so enrolled. A total of not more than 5 students for each class year may be enrolled in all schools which contract to provide such veterinary medical education.

HB 555, creating a state historical records advisory board and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.



This creates a state historical records advisory board to promote and to work in cooperation with national historical publications and records commissions. No state funding required.

#### Amendment

Amend the bill by striking out section 2 and renumbering section 3 to read as  
2

HB 717, relative to loan pay-back requirements for resident veterinary medical students. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The Committee amendment provides for a two year "grace period" from the time of a veterinary student's graduation to the time at which the first loan repayment installment is due. Committee vote was unanimous.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Repayment of Funds. Amend RSA 332-C:4 (supp) as inserted by 1972, 60:68 as amended by inserting in line 5 after the words "on the" the following (second) so that said section as amended shall read as follows:

332-C:4 Repayment of Funds. The state comptroller shall prepare a note for signature of a recipient hereunder. The note shall be in an amount that equals the amount paid by the state treasurer for their respective enrollment. Repayment of the note shall be made in equal annual installments beginning on the second anniversary date of the recipient's graduation date or termination of enrollment, whichever shall first occur. Within a period equal to 3 times the number of school years of his respective enrollment, all installments shall be paid in full to the state comptroller. The comptroller shall reduce any annual installment by 1/4, providing the recipient has practiced veterinary medicine on a full-time basis in New Hampshire during 8 of the preceding 12 months.

HB 861, relative to the regulation of odometers. Ought to Pass with Amendment. Rep. Crory for Commerce and Consumer Affairs.

This bill, sponsored at the request of the Consumer Protection Division of the Attorney General's Office, provides that any person who changes or tampers with an odometer shall be punished pursuant to the violation provision of RSA 260:92. The amendment allows for an exception in the case of odometers repaired or replaced under federal regulations in Section 407, PL 92-513. Vote was 11-0.

#### Amendment

Amend RSA 260:91 as inserted by section 1 of the bill by striking out same

and inserting in place thereof the following:

260:91 Misrepresentation and Certification of Mileage. Any person who changes, tampers with or defaces, or who attempts to change, tamper with or deface, any gauge, dial, or other mechanical instrument, commonly known as an odometer or an hour meter in a motor vehicle, highway building appliance, snowmobile or boat, which, under normal circumstances and without being changed, tampered with or defaced, is designed to show by numbers or words the distance which the motor vehicle, highway building appliance, snowmobile or boat has traveled or the use sustained with the intention of misrepresenting to a prospective or eventual purchaser the number of miles traveled or the use sustained by said motor vehicle, highway building appliance, snowmobile or boat, shall be punished pursuant to the provisions of RSA 260:92. Actual mileage will be certified by the previous owner to the best of his knowledge at the time of sale, trade or other type of transaction resulting in an assignment of title of the vehicle by an entry on the certificate of title or the application for a title if a certificate of title is required, or if no certificate of title is required by a notarized statement signed by the seller. Evidence that any such odometer or hour meter shows less mileage or fewer hours after it has come into the possession of any person than was shown before it came into his possession shall be prima facie evidence of a violation of this section, except for those odometers which have been repaired or replaced under federal regulations as provided in section 407 P.L. 92-513.

HB 867, requiring telephone companies to list the names of both husbands and wives in their directories. Ought to Pass with Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill requires all telephone companies doing business in this state to provide married couples with option of having a directory listing which contains the couple's surname followed by each of their first names. Such listing shall be made without additional charge.

#### Amendment

Amend RSA 378:11-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

378:11-a Telephone Directory Listings. Notwithstanding the provisions of RSA 378:11, all telephone companies doing business in this state shall, in the case of dual name listings, provide such listings containing 2 first names or initials, for those with the same surname who reside at the same address or for those who are identified by more than one first name or initial, without any charge.



HB 961, relative to the legitimation of children born out of wedlock. Ought to Pass with Amendment. Rep. Hess for Constitutional Revision.

The Committee unanimously agreed that the father of an illegitimate child should be able to petition the court asking that the child be declared legitimate. The amendment provides that the child does not have to be a party to the proceeding and that the mother only has to if she's available.

#### Amendment

Amend RSA 460:29, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

1. The putative father of any child born out of wedlock may apply by a verified written petition filed in a special proceeding in the superior court of the county in which he resides, praying that such child be declared legitimate. The mother, if living and available, shall be a necessary party to the proceeding, and the full names of the father, mother and the child shall be set out in the petition. If it appears to the court that the petitioner is the father of the child, the court may thereupon declare and pronounce the child legitimated; and the full names of the father, mother and the child shall be set out in the court order decreeing legitimation of the child.

HB 995, relating to the disposition of personalty in police department property rooms. Ought to Pass with Amendment. Rep. Buckman for Constitutional Revision.

The Committee felt that due to the testimony it received, this was something needed for the Police Department to execute the disposition of unclaimed property.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Disposal of Personalty from Department Property Rooms. Amend RSA 471-A by inserting after section 9 the following new section

471-A:9-a Property Held in Police Department Property Rooms. Notwithstanding any other provisions of the law to the contrary, all non-contraband abandoned or lost personal property having a value of less than \$250 which has been held in a police department property room for a period of at least 180 days may be disposed of by the police department by returning same to the finder if known and if said finder was other than a police officer who discovered the said property during the course of his usual police duties. If unable to dispose of as aforementioned, said property shall be sold at public auction with the proceeds to be turned over to the town treasurer. Property disposed of as herein described shall relieve the police department of all liability for any claim thereafter arising or made with respect to such property.

2 Effective date. This act shall take effect 60 days after its passage.

HB 1004, making participation in the school lunch program optional. Ought to Pass with Amendment. Rep. Henry Richardson for Education.

Amendment extends the date the State Board of Education can receive and grant waivers based on hardship within the local school districts. The amendment strikes out all of the original bill and re-titles the bill. Vote was 14-0.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

extending waiver time for participation in the school lunch program.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Extension of Waiver. Amend RSA 189-A,II, (B) (supp) as inserted by 1973, 170:1 by striking out in line 4 the date "1979" and inserting in place thereof the following (1983) so that said subparagraph as amended shall read as follows:

(b) Requests for such waiver shall be granted by the state board upon the receipt of such application and shall remain in force until the state board determines otherwise, as hereafter provided, but no such waiver shall continue beyond September 30, 1983.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 803, relative to insuring the proper disclosure of information from vital records. Ought to Pass with Amendment. Rep. Close for Executive Departments and Administration.

The bill provides that the registrar of Vital Statistics or custodian of Permanent Records on the local level shall not permit inspection of vital records unless applicant has a direct and tangible interest in such records. Unanimous vote of those present.

#### Amendment

Amend RSA 126:14, as inserted by section 1 of the bill by striking out the introductory paragraph and inserting in place thereof the following:

In order to protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the system of vital statistics the state registrar of vital statistics or the custodian of permanent local records shall not permit inspection of, or disclose information contained in vital statistics records, or copy or issue a copy of all or part of any such record unless he is satisfied that the applicant has a direct and tangible interest in such record. However, under no circumstance shall any information relative to any adoption be disclosed or given out by the

state registrar of vital statistics or the custodian of permanent local records or any other individual except pursuant to RSA 170-B:19, II.

Amend RSA 126:14, III as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. Commercial firms or agencies requesting listings of names and addresses shall not be considered to have a direct and tangible interest.

Amend RSA 126:13 as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following:

126:13 Birth Registration Cards. The registrar of vital statistics, or the town clerk, may issue, in accordance with the provisions of RSA 126:14, a card containing information relative to the date and place of birth of such persons as may be on record in his office. The fee for the issuance of any such card shall be \$2. However, under no circumstance shall any information relative to any adoption be disclosed or given out by the registrar of vital statistics, or the town clerk, or any other individual except pursuant to RSA 170-B:19, II, except that a birth certificate which does not indicate that the certificate has been amended or that an individual has been adopted may be issued.

HB 1124, relative to replacing the governor's committee on employment of the handicapped with the governor's commission for the handicapped. Ought to Pass with Amendment. Rep. Donald Smith for Executive Departments and Administration.

This bill continues and modernizes the excellent program for the handicapped. Housekeeping measure. Amendment concerns ex officio members, meetings and removal.

#### Amendment

Amend RSA 275-C:3, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

275-C:3 Ex Officio Members. The following shall serve as ex officio members without a vote on the commission: (1) the commissioner of health and welfare, (2) the chief of the division of vocational rehabilitation of the department of education, (3) the supervisor of blind services of the department of education, division of vocational rehabilitation, (4) the commissioner of labor, (5) the commissioner of the department of employment security, (6) a member of the state board of education designated by the governor, and (7) the chief of the office of mental retardation.

Amend RSA 275-C:7, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

275-C:7 Meetings; Removal. The commissioner shall meet at least once

every 3 months to conduct its business and give direction to the activities of the executive director and staff. Members of the commission may be removed by the governor for cause.

Referred to Appropriations.

HB 814, amending the eminent domain procedure act. Ought to Pass with Amendment. Rep. Aller for Judiciary.

This bill amends the Eminent Domain Procedure Act, by providing for a guardian ad litem to represent a condemnnee unable to represent himself, re-defining the terms condemnor and condemnnee, and requiring a clarification of the description of condemned property. The bill would expend the act to permit certain amendments to the declaration of taking the purpose of which would be to correct errors and omissions found in the original declaration. Majority felt the bill would improve our existing statute.

#### Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Condemnation. Amend RSA 498-A:4, III (c) (supp) as inserted by 1971, 526:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(c) If the offer is not accepted within 10 days after the service of the notice, the condemnor shall commence condemnation proceedings within 90 days after the expiration of such 10 day period.

HB 1141, establishing a New Hampshire right to privacy act. Ought to Pass with Amendment. Rep. Carpenito for Judiciary. This bill establishes the right of a person to expect that his financial, credit and communications records shall remain confidential except in certain cases involving a reasonable suspicion that the person has committed a crime or in cases in which a proper administrative or judicial summons or subpoena is obtained. All state and local agencies are restricted from obtaining the information in the records of a person. It establishes for the first time as official state policy the right of privacy to New Hampshire citizens. It is designed to prevent "fishing expeditions" by government agencies into the financial, communications and credit records of individuals. It further guarantees due process to persons whom the government seeks to investigate. With the amendments as offered by the sponsor the bill has the support of the banking industry and the Attorney General's Office. Committee vote was unanimous.

#### Amendment

Amend RSA 359-C:3, X as inserted by section 1 of the bill by striking out same

and inserting in place thereof the following:

X. The term "investigation" includes, but is not limited to, any inquiry by a peace officer, sheriff, or county attorney, or any inquiry made for the purpose of determining whether there has been a violation of any law enforceable by imprisonment, fine, or monetary liability.

Amend the introductory paragraph of RSA 359-C:4, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Except as provided in RSA 359-C:11 and RSA 7:6-b, no officer, employee, or agent of a state or local agency or department thereof, in connection with a civil or criminal investigation of a customer, whether or not such investigation is being conducted pursuant to formal judicial or administrative proceedings, may request or receive copies of, or the information contained in, the financial, toll or credit records of any customer from a financial institution, communications common carrier or credit reporting agency unless the financial, toll or credit records are described with particularity and are consistent with the scope and requirements of the investigation giving rise to such request and:

Amend RSA 259-C:4, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Nothing in this section or in RSA 259-C:7, 359-C:8, 359-C:9 or 359-C:10 shall require a financial institution, communications common carrier or credit reporting agency to inquire or determine that those seeking disclosure have duly complied with the requirements set forth therein, provided only that the customer authorization, administrative subpoena or summons, search warrant, or judicial subpoena or order served on or delivered to a financial institution, communications common carrier or credit reporting agency pursuant to such sections shows compliance on its face. The burden of proof to show compliance with this chapter shall be on the agency or body issuing such order.

HB 950, relative to defining service territories for electric utilities. Ought to Pass with Amendment. Rep. Taylor for Science and Technology.

This bill allows electric utilities to swap service territories when the New Hampshire Public Utilities Commission deems it in the best public interest. Such a procedure would eliminate the situation where one utility has power lines along one side of a river or field while a competing company has theirs along the other side, sometimes serving alternate customers. The existing 1000-foot rule, as contained in RSA 374:23, was enacted during times when that distance was sufficient to prevent such costly duplication.

The Committee amendment strikes this 1000-foot rule and with this amendment, agreed to by counsel for the New Hampshire Electric Cooperative, Public Service Company says it can live with the legislation. A spokesman for the New Hampshire Public Utilities Commission testified that his agency should have no difficulty in administering such a new law.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Repeal. RSA 374:23 relative to restrictions on public utilities is hereby repealed.

HB 957, to ban plastic disposable containers. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Crory for Commerce and Consumer Affairs.

The Federal Government is presently drafting federal regulations relative to the sale of beverages in plastic beverage containers. The Committee voted 10-1 to refer this bill to interim study by the Commerce and Consumer Affairs Committee to allow time for consideration of the proposed federal regulations.

HB 962, relative to terminations of service by electric, gas and water utilities. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Lamy for Commerce and Consumer Affairs.

The Committee felt this should go to interim study whereas the PUC is in the process of establishing new guidelines and procedures relative to terminations of service. Committee did not want to pass legislation which would conflict with these regulations.

HB 981, relative to limited advertising by attorneys. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Lamy for Commerce and Consumer Affairs.

This bill has a great deal of merit, but there are sections of the bill that must be clarified. The Committee also felt that it should wait for a decision of a case regarding this matter that is now pending before the Supreme Court. Therefore, the Committee requests the opportunity to work on this bill in the interim.

HB 1106, relative to the classification of medical service providers for purposes of coverage by medical service corporations. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Lamy for Commerce and Consumer Affairs.

Ramifications of this bill are far reaching for consumers and the health care industry, and requires additional input from the health field as well as the public.



HB 1108, relative to regulation of investments of domestic life insurance companies. Refer to the Committee on Commerce and Consumer Affairs for Interim Study. Rep. Lamy for Commerce and Consumer Affairs.

Life insurance company investments are tightened up so as to further insure the safety of the insurer contracts. Unapproved investments can result in suspension or revocation of insurer's certificate of authority to do business.

HB 1132, establishing shelter care facilities for persons in need of supervision. Refer to the Committee on Health and Welfare for Interim Study. Rep. Blanchette for Health and Welfare.

The Committee felt that further study was needed and recommends interim study.

HB 1133, relative to delinquent and neglected children and persons in need of supervision. Refer to the Committee on Health and Welfare for Interim Study. Rep. Copenhagen for Health and Welfare.

The Committee felt that this bill required further study as there are other bills in relation to this same matter. Vote was 12-0.

HB 2036, Relating to welfare reform. Refer to the Committee on Health and Welfare for Interim Study. Rep. Fred Murray for Health and Welfare.

The Committee voted 7-5 to send this to interim study. It felt in general that something could be set up at the local level to help cope with problems of this nature.

HB 888, relative to the disposition of district court fines. Refer to the Committee on Judiciary for Interim Study. Rep. Josephine Martin for Judiciary.

This bill increases the district courts' share of fines payable to the state. The Judiciary Committee has several bills relative to district court fines and would like the opportunity to study them together in the interim.

HB 930, adopting a plea negotiations act. Refer to the Committee on Judiciary for Interim Study. Rep. Arthur Perkins for Judiciary.

The Committee had insufficient time to review this bill and would like the opportunity to examine the bill further during the interim.

HB 965, relative to the administration of superior court finances and the appointment and compensation of its employees. Refer to the Committee on Judiciary for Interim Study. Rep. Poulin for Judiciary.

The majority of problems this bill seeks to correct have already been corrected by the passage of HB 276.

However, there are other areas contained in the bill that the Judiciary Committee would like to study in the interim. The Committee vote was 9-3.

HB 1040, relative to bail and recognizances. Refer to the Committee on Judiciary for Interim Study. Rep. Ayles for Judiciary.

Because this bill deletes, amends and adds several sections of the existing statutes the impact of which is uncertain the Committee position was to study the matter.

HB 1140, providing jury trials in district courts and eliminating certain trials de novo in superior courts. Refer to the Committee on Judiciary for Interim Study. Rep. Ayles for Judiciary.

The Committee reported this to interim study recognizing the merit of the bill while at the same time recognizing the impact of cities and towns in the problem of jury trials in the present District and Municipal Court rooms.

HB 901, relative to applications for welfare assistance. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Beverly Gage for Municipal and County Government.

This bill would make selectmen of local municipalities aware of those on welfare, but bill needs study because of the laws on confidentiality.

HB 915, relative to sewer user charges. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Callahan for Municipal and County Government.

This bill needs further study.

HB 960, to annex all that part of the unincorporated township of Crawford's Purchase which is privately owned to the town of Carroll. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Beverly Gage for Municipal and County Government.

Referred to study at request of sponsors.

HB 1062, relative to audits of towns, school districts, village districts, precincts and counties. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Roy Davis for Municipal and County Government.

The concept of this bill is good - to allow better local control and simplify audits - but there are problems with the bill as written that need to be worked out.

HB 1066, relative to the definition of "professional services." Refer to the Committee on Municipal and County Government for Interim Study. Rep. Beverly Gage for Municipal and County Government.



Due to time limits the committee feels this bill needs further study.

HB 1068, relative to assessments for sewers in cities of over 80,000 population. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Callahan for Municipal and County Government.

This bill requires further study.

HB 1071, relative to the filling of vacancies in certain town offices. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Arnold Perkins for Municipal and County Government.

This bill needs further study because of its complexity.

HB 1154, relative to vacancies in certain county and municipal offices. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Beverly Gage for Municipal and County Government.

Committee feels this bill needs further study.

HB 1183, relative to public recreation and parks. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Bednar for Municipal and County Government.

The intent of this bill is to update enabling laws for recreation, but further work is needed on the bill.

HBI 2015, Relating to the Rochester City Charter. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Arnold Perkins for Municipal and County Government.

Testimony indicated that several amendments to the Rochester City Charter may have been created exclusively by the City Council without regard to legislative safeguards and guidelines and, therefore, with questionable legality. The Committee would like to look into this further.

HB 885, prohibiting municipal transit authorities from competing with private enterprise in non-transportation activities. Refer to the Committee on Transportation for Interim Study. Rep. James Murray for Transportation.

The implications of such a prohibition as listed in HB 885 are far reaching and complex. The Committee sees this issue as needing further in depth study to completely cover all the aspects of this bill.

HBI 2027, Relating to studying the feasibility of enacting a junk title law. Refer to the Committee on Transportation for Interim Study. Rep. James Murray for Transportation.

The Committee agrees that there is a need to study the feasibility of a junk (salvage) title law and sends

this House Bill of Intent to interim study so this can be done.

#### COMMITTEE REPORTS (Regular Calendar)

Rep. George Wiggins requested a quorum count.

The Speaker declared a quorum present.

HB 627, prohibiting certain advertising and expenditures by electric, gas and telephone utilities. Ought to Pass With Amendment. Rep. Lamy for Commerce and Consumer Affairs.

This bill permits advertising by gas and electric utilities but stipulates which categories of advertising will be paid for by the consumer and which will be paid for by the stockholders. The Committee felt that this is one of the most important consumer bills that it has considered. After lengthy subcommittee work and hearings, the Committee has amended the bill in such a way that it feels is in the best interest of the consumer and does not work a hardship on the public utilities in New Hampshire. Committee vote was 12-5.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

prohibiting certain advertising and expenditures by electric and gas utilities.

Amend the subdivision title as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

Electric and Gas Utility Advertising  
Amend the introductory paragraph of RSA 374:2-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

All electric and gas utilities are hereby prohibited from including, in their operating expenses for rate-making purposes, expenditures for advertising, in any form, which falls into one of the following categories:

Amend RSA 374:2-a, 1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. "Promotional advertising" which is designed to promote or retain the use of such a utility service.

Amend the introductory paragraph of RSA 374:2-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

All electric and gas utilities are hereby authorized to include, in their operating expenses for rate-making purposes, expenditures for advertising, in any form, which falls into one of the following categories:

Amend RSA 374:2-b, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. "Load factor advertising" which is designed to improve and equalize such a utility's load factor over a given period of time so that production capacity can be operated more efficiently. Load factor advertising which is designed to promote off-peak usage shall be considered load factor advertising.

Amend RSA 374:2-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

374:2-c General Provisions. It shall be conspicuously noted on all advertising, in any form, done by an electric or gas utility that the expenditure for such advertising is part of that utility's operating expenses. It shall be conspicuously noted on all such advertising whether advertising is being paid for by consumers or by stockholders.

Amend the bill by inserting after RSA 374:2-c as inserted by section 1 of the bill the following:

374:2-d Advertising and Contributions Restricted. No public utility shall use, as a cost factor in determining their rates, costs for political and charitable contributions in excess of \$1 total.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1978.

Amendment adopted.

Rep. Rossley offered an amendment.

#### Amendment

Amend RSA 374:2-a, II as inserted by section 1 of the bill by striking out same and renumbering the original paragraphs III and IV to read as

II and III respectively.

The Assistant clerk read the amendment.

Rep. Rossley explained his amendment.

Amendment adopted

Ordered to third reading.

HB 913, relative to probation reports. Ought to Pass with Amendment. Rep. Foley for Constitutional Revision.

This bill as amended makes some of the administrative proceedings of the probation department easier.

Unanimous vote of the Committee.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Sections. Amend RSA 504 by inserting after section 2-a the following new sections:

504:2-b Transfer of Report.

1. If an offender is sentenced to New Hampshire state prison, the youth development center, a house of correction or the New Hampshire hospital, a copy of

the report of any probation investigation or psychiatric examination shall be transmitted to the place of incarceration. Each institution receiving a report is responsible for keeping confidential the information contained in the report.

II. Investigation and information may be forwarded to other states if another probation department is doing an investigation or if the offender is transferred out of state for supervision. Transfer of information whether adult or juvenile to other than those enumerated in this section shall require the approval of a district or superior court.

504:2-c Furnishing Information. All local, state and federal governmental agencies and all private agencies who have had contact with the individual being investigated shall furnish information to the probation officer when the information from the agency is not privileged and would be pertinent to a social background of the individual and the knowledge would be helpful to the court in the disposition of the case and the treatment of the individual.

2 Support Payments Priority. Amend RSA 458 by inserting after section 17-a the following new sections:

458:17-b Distribution of Support. Whenever a person is ordered to make child support payments through the probation department for children from 2 or more prior marriages and the person so ordered fails to pay the full amount ordered, any payments made by such person shall be divided equally between all children unless otherwise ordered by the court.

458:17-c Termination of Support. Unless otherwise specified in the order, child support order shall expire when the child reaches the age of 18, marries, becomes self-supporting, or dies, whichever occurs first, provided, however, that if such child is at least a half time student, such support shall continue while he is such a student. Where more than one child is included in any order payments will be decreased proportionately as each child reaches said age of 18, marries, becomes self-supporting, or dies unless such child is a half-time student or unless otherwise specified in the order.

458:17-d Parents Required. Upon hearing in each divorce or separation in which children are involved, the court shall require the presence of both parties if possible and explain the duties and obligations of each parent relative to support and visitation of the child.

3 Duty of Domestic Relations Officer. Amend RSA 504:15, IV (supp) as amended by striking out said paragraph and inserting in place thereof the following:

IV. To receive under supervision, upon the request of any court, any person placed on probation. If a court has ordered a person to pay any sums for support in a judgment of divorce, legal separation, non-support, or support for children born of unwed parents, or ordered a person to allow visitation rights in a

judgment of divorce or legal separation, a domestic relations officer shall receive the assignment.

4 Overseeing Payments. Amend RSA 524:6-a (supp) as inserted by 1975, 143:1 by striking out said section and inserting in place thereof the following:

524:6-a Weekly Payment of Judgments. Whenever judgment is rendered against any person in this state, the court wherein said judgment is rendered shall order the defendant, in the event he shall be unable to pay the judgment in full, to make such weekly payments as the court in its discretion deems appropriate. Failure to make such weekly payments shall constitute civil contempt of court. Said judgment may be enforced against any property of any kind of the debtor, except such property as is now exempt from attachment or execution.

5 Effective date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 1126, relative to the New Hampshire retirement system and the state employees' retirement system of New Hampshire. Ought to Pass. Rep. Sara Townsend for Executive Departments and Administration.

This bill brings "old system" laws into line with "new system" retirement law regarding retirement at 70; allows a 90-day grace period after retirement for possible change in survivorship option and corrects other inequities. Changes five sections of current law and two sections of old law. These came about as the "update" every two years has done. Has approval of retirement board.

Referred to Appropriations.

HB 1127, relative to terms of certain gubernatorial appointees. Ought to Pass. Rep. Close for Executive Departments and Administration.

Purpose of the bill is to establish an orderly schedule for gubernatorial appointments. It would not be effective until after the next gubernatorial election. Committee vote was 16-0.

Ordered to third reading.

HB 1026, relative to lead paint poisoning in dwellings. Ought to Pass with Amendment. Rep. Helen Wilson for Health and Welfare.

This bill related to lead paint poisoning in dwellings. The bill primarily relates to dwelling units with occupants six years of age or less and applies to all cities of population of 80,000 or more. Cities under 80,000 may adopt these provisions by majority vote of the city council, board of mayor and aldermen. The vote was 12-1.

#### Amendment

Amend RSA 130-A:4, II and IV by striking out said paragraphs and inserting in place thereof the following:

II. The health authority shall give notice of the existence of the substance to the owner or managing agent and order that the lead base substances be removed, replaced or securely and permanently covered within 60 days of receipt of the notice. The director shall establish regulations for removal, replacement or covering of the lead base substance. If, at the discretion of the health authority, such lead base substances cannot be removed, replaced or securely and permanently covered within 60 days, an extension of reasonable time may be granted.

IV. If, before the end of the 60-day period or extension, the owner sells the dwelling or child care facility, he must notify the prospective buyer of the lead problem, and the new owner must assume the responsibility of carrying out the requirements of this section within the specified time period.

Amend RSA 130-A:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

130-A:5 Occupants 6 Years of Age or Less. No person shall knowingly rent a dwelling or dwelling unit, which has been found by the health authority to have harmful lead base substances present, to be occupied by children 6 years of age or less. In circumstances where the presence of lead base substances is unsuspected and becomes known when the dwelling or dwelling unit is already rented to a family with children 6 years of age or less, the family of the children shall not be evicted for that reason and the owner and occupant of the dwelling or dwelling unit shall be given written notice by the health authority advising of the existence of such substances in the dwelling or dwelling unit and ordering that within 60 days such lead base substances be removed, replaced, or securely and permanently covered.

Amendment adopted.

Ordered to third reading.

HB 1029, adding exceptions to the licensing of child caring and child placing agencies. Ought to Pass with Amendment. Rep. Blanchette for Health and Welfare.

The Committee voted ought to pass with amendment.

#### Amendment

Amend RSA 170-E:2, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. The provisions of this chapter do not apply: to families housing exchange students; to families caring for children taken from urban areas and given some vacation time in New Hampshire if such



family is not caring for more than 4 of such children whether such children are related to each other or not; to non-resident families visiting the state for purposes of a vacation who have in their care foster children from their home state and have written approval of the out of state agency which supervises the foster children.

Amendment adopted.

Ordered to third reading.

HB 1130, relative to the dispensation of controlled drugs. Ought to Pass. Rep. Knight for Health and Welfare.

The Committee voted ought to pass 10-1.

Rep. Eugene Daniell offered an amendment.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Federal Narcotic Laws Reference Changed. Amend RSA 318-B:1, VI, (supp) as inserted by 1969, 421:1 as amended by striking out said paragraph and inserting in place thereof the following:

VI. "Controlled drugs" are those drugs and chemicals which contain any quantity of a substance which has been designated as subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been by regulation, after investigation and hearing designated by the division of public health services as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a potential for abuse or physiological and psychological dependence, or both. The division of public health services shall give due notice of the time, place and purpose of all hearings required under this chapter to podiatrists, osteopaths, hospitals, pharmacists, physicians, dentists, veterinarians, laboratories, registered manufacturers, suppliers and to general public by such means as it shall deem adequate. From and after the hearing date, the sale or dispensations (except by prescription) of a drug or chemical containing any quantity of such substance as is the subject matter of the hearing shall be suspended pending a determination as to whether such substance is to be designated as a controlled drug. Designation as a controlled drug shall result in the continued suspension of the sale or dispensation (except by prescription) of any drug or chemical containing any quantity of such substance until the effective date of the designation after publication. The substance shall thereafter be a controlled drug subject to this chapter. In the event any substance is so designated, the division shall publish the designation in a newspaper of general circulation in the

state once each week for 3 successive weeks. The designation shall be effective and any drug or chemical containing any quantity of such substance shall be a controlled drug 7 days after the date of the last publication of said designation. Controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Specifically excluded from controlled drugs are alcohol, nicotine, caffeine and laetrile;

Rep. Daniell requested to dispense with the reading of the amendment.

Rep. Daniell explained his amendment.

Reps. Knight, Spaulding and Helen Wilson spoke against the amendment.

Reps. Chandler and Elmer Johnson spoke in favor of the amendment.

Daniell amendment adopted.

Ordered to third reading.

#### SENATE MESSAGES CONCURRENCE

HB 263, relative to the emergency generator at the state prison.

HB 174, increasing the fee for motorcycle operator's license to \$12 and providing an effective period for such licenses of 4 years.

HB 430, authorizing dealers to issue temporary plates for 20 days.

HB 108, permitting the liquor commission to issue a special license to certain bowling centers to serve liquor and beer beverages.

#### COMMITTEE REPORTS (cont'd)

HB 498, relative to the state's burden of proof in recommittal hearings for the criminally insane. Ought to Pass. Rep. Bodi for Judiciary.

This bill specifies the state's burden of proof in recommittal hearings for the criminally insane. It strikes a balance between the rights of those committed and the burden of proof placed upon the state.

Ordered to third reading.

HB 862, relative to establishing a family review board for proceedings in contested child support and custody matters. Ought to Pass with Amendment. Rep. Pappas for Judiciary.

This bill changes the procedure to be followed in contested child support and custody proceedings by establishing a family review board to review and make recommendations to the superior court. When such matters are in controversy, the issue will be transferred to the family review board. The superior court shall be bound by the decision of the family review board on all matters of child support and custody arrangements. A modification of the final order of the court shall be permitted in the usual way but if such modification is contested, the matter shall be



transferred to the family review board as if an original action. The Committee felt that the present process by which child support and custody proceedings are decided often leave the court with inadequate information pertaining to the case due in part to the limited time available and the large amount of cases. This bill would set up a three member board including the judge, which would be present during the entire course of the settlement. The committee felt this process would provide a more complete involvement of the court; which would be to the greater advantage of the contending parties. This bill further sets up standards for joint custody as an alternative arrangement unless one parent proves to be clearly superior.

#### Amendment

Amend RSA 458:17-b, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. If, after filing and proper service of a petition for a divorce, annulment or legal separation, a controversy exists between the parents regarding custody, principal residence or support payments relative to any child of marriage or if after filing the proper service of a petition to modify a decree a controversy exists regarding a change in custody, principal residence or support payments relative to any child of divorced parents living within this state, upon petition of either parent or guardian ad litem, a family review board may be convened to review the matter and recommend to the superior court the proper order.

Amend RSA 458:17-b, II (b) and (c) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(b) A social worker

(c) A state licensed psychologist.

Amend RSA 458:17-g, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. In addition to the fees provided for in RSA 499:18, the court shall collect a fee in the amount of \$15 to be paid when said family review board is requested. Said additional fee shall be kept in the account provided for in paragraph I and shall be used exclusively to cover costs of a family review board.

Amendment adopted.

Referred to Appropriations.

HB 1043, allowing courts to divert juveniles from the court system. Inexpedient to Legislate. Rep. Doris Riley for Judiciary.

The thrust of this bill is in actuality what the juvenile courts are already doing.

Resolution adopted.

HB 1137, relative to capital punishment. Ought to Pass with Amendment. Rep. Daniel Healy for Judiciary.

Majority of the committee approved this bill as a Constitutional updating of present statute relating to capital murder, making it possible to punish such offenders by reestablishing the death penalty.

#### Amendment

Amend RSA 630:5, IX as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IX. Where penalty of death is imposed the sentence shall be, that the defendant be imprisoned in the state prison at Concord until the day appointed for his execution, which shall not be within one year from the day sentence is passed, and that he shall be then hanged by the neck until he is dead. The governor and council shall determine the time and manner of performing such execution, and shall be responsible for providing facilities for the implementation thereof. In no event shall a sentence of death be carried out upon a pregnant woman or a person for an offense committed while a minor.

Amend the bill by renumbering the section entitled "Effective Date" to read as

3

Amendment adopted.

Ordered to third reading.

HB 813, relative to capital punishment. Inexpedient to Legislate. Rep. Martin for Judiciary.

The Committee considered the two capital punishment bills, HB 813 and HB 1137 together. It felt that HB 1137 provided a better and more fair process for application of capital punishment. Because HB 813 conflicts with the Committee decision to pass HB 1137 it recommends HB 813 be inexpedient to legislate.

Rep. Arthur Perkins yielded to questions.

Resolution adopted.

HB 758, reducing the number of employees necessary to form a bargaining unit. Inexpedient to Legislate. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Current law requires a minimum of ten people from a collective bargaining unit. This bill proposes to reduce this number to two which the Committee felt was not a feasible number to work with because it allows for too many specialized groups. In addition, it was concluded that this number might be too small to be financially worthwhile for a group (i.e. membership dues). Resolution adopted.

HB 886, permitting the reduction of an employer's or employee's insurance carrier's lien under the workmen's compensation law in certain cases. Ought to Pass. Rep. Belhumeur for Labor, Human Resources and Rehabilitation.

Under the present workmen's compensation law, if an injured employee has a cause of action against a third party for payment of damages, the employer or the employer's insurance carrier has a lien for any damages collected by the employee. The Committee's intent with this bill is to authorize the Superior Court or the Labor Commissioner to reduce or eliminate this lien if the injured employee accepts a lesser settlement because of the risk of litigation which will provide a fairer allocation of resources.

Ordered to third reading.

HB 1045, relative to the display of wheelchair symbol to indicate buildings accessible to handicapped and elderly persons. Ought to Pass. Rep. Head for Labor, Human Resources and Rehabilitation

This is a measure that will greatly assist mobility-impaired and elderly individuals to easily determine whether or not a building is accessible in terms of lack of architectural barriers. The responsibility of determining if buildings meet this criteria will be placed in the hands of the Governor's Committee on Employment of the Handicapped, and will issue the symbol of identity for these individuals. Ordered to third reading.

HB 702, relative to vicious dogs or dogs as a nuisance. Ought to Pass with Amendment. Rep. Burke for Municipal and County Government

By instituting a ticket system and potential court action the intent of this bill is to make owners responsible for dogs which are a nuisance or menace. Definition of what constitutes a nuisance is in the statutes now; this only changes the method of enforcement.

#### Amendment

Amend RSA 466:31-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

#### 466:31-a Penalties.

1. Any person who violates any provision of RSA 466:31 shall be guilty of a violation, provided that if such person chooses to pay the civil forfeiture specified in paragraph II, he shall be deemed to have waived his right to have the case heard in district or municipal court and he shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture specified in paragraph II shall have the case disposed of in district or municipal court.

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer to the owner or keeper of a dog in violation of RSA 466:31, if the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

(a) \$10 for nuisance offenses under RSA 466:31, II (a), (b) or (c).

(b) \$15 for menace offenses under RSA 466:31, II (d) or (e).

(c) \$25 for vicious offenses under RSA 466:31, II (f)

III. Any person who pays a civil forfeiture specified in paragraph II 3 times in any year, according to the records of the town or city clerk, may not pay a civil forfeiture for subsequent violations of RSA 466:31 in that year, but shall have those cases disposed of in district or municipal court.

Amendment adopted.

Ordered to third reading.

HB 824, providing for tax increment financing for redevelopment projects. Ought to Pass. Rep. Emile Boisvert for Municipal and County Government.

By providing a new type of financing the intent of this bill is to strengthen redevelopment efforts and help stabilize the tax rate in cities. Ordered to third reading.

HB 855, authorizing municipalities to establish central business service districts. Inexpedient to Legislate. Rep. Richard Hanson for Municipal and County Government.

The Committee feels this bill is inconcise in that it does not define what a district shall be and would be costly to the cities. Resolution adopted.

HB 877, relative to the filling of vacancies on the Laconia school board. Ought to Pass. Rep. Bednar for Municipal and County Government.

This bill seeks a referendum to change the manner of filling school board vacancies from appointment to election. Ordered to third reading.

HB 914, providing for a voter petition to amend subdivision regulations in a town. Ought to Pass with Amendment. Rep. Whipple for Municipal and County Government.

To clarify the procedure for petitions.

#### Amendment

Amend RSA 36:21-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

36:21-b Subdivision Regulations Amendment By Petition. Upon the petition of a least 25 registered voters for an amendment to a subdivision regulation the planning board shall proceed and submit the amendment or amendments to the voters of a town as prescribed in RSA 31:63-a. The town planning board shall meet 60 days before the annual town meeting when the planning board shall accept petitions for amendments to subdivision regulations. There shall be at least 2 public hearings at least 15 days apart on the amendment or amendments at which parties in interest and citizens shall have an opportunity to be heard. At least 14 days' notice of the time and place of each such public hearing shall be published in a paper of general circulation in the town and a legal notice thereof shall also be posted in at least 3 public places in such town. The public hearings shall be held by the planning board. The planning board may not reject the amendment or amendments proposed by the petition of 25 voters, but shall submit the proposed amendment or amendments to the voters as offered by the petition. The petitioners shall submit the proposed amendment or amendments to the subdivision regulations in correct form to amend the existing subdivision regulations as determined by the planning board. The following question shall be submitted to the voters: "Are you in favor of the adoption of the amendment to the subdivision regulations as proposed by petition of the voters for this town?" The approval or disapproval of the planning board shall also be noted on the ballot immediately following the question. In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No. .... as proposed by petition of the voters for this town?" (Here inserted topical description of substance of amendment.) The approval or disapproval of the planning board also be noted on the ballot immediately following the question. An amendment proposed by petition shall be submitted to the voters only at an annual town meeting.

Amendment adopted.

Ordered to third reading.

HB 948, providing for optional dates for the payment of real estate taxes. Inexpedient to Legislate. Rep. Fillback for Municipal and County Government.

The intent of this bill to establish a cash flow system for municipalities has merit, but the benefits are outweighed by the additional work and time involved in the mechanics of the bill.

Resolution adopted.

HB 1063, relative to appropriations of governmental units by warrant articles. Ought to Pass with Amendment. Rep.

Paradis for Municipal and County Government.

The purpose of this is to inform the voters more properly on what is being voted on at their annual meetings.

#### Amendment

Amend RSA 40:4-c as inserted by section 1-of the bill by striking out same and inserting in place thereof the following:

40:4-c Voting on Certain Articles. Every properly inserted article which has been presented by petition appropriating moneys for new positions, salary increases, capital expenditures or other extraordinary expenses shall be voted upon separately, whether or not the item is also included in the budget and the vote on such separate question shall be construed to amend the budget accordingly, subject to the 10 percent limitation prescribed by RSA 32:8.

Amendment adopted.

Ordered to third reading.

HB 1065, allowing cities and towns to abolish the resident tax by referendum. Inexpedient to Legislate. Rep. Richard Hanson for Municipal and County Government.

The Committee feels that an option to abolish the resident tax would be too costly to the cities and towns. Resolution adopted.

HB 578, requiring certificates of competency, permits and bonds of explosive blasters and fireworks operators. Inexpedient to Legislate. Rep. Cummings for Public Works.

This bill was voted by the Committee as Inexpedient to Legislate unanimously by 13-0. It is combined with HB 739 and is a duplication. Resolution adopted.

HB 739, relative to control of explosives. Ought to Pass with Amendment. Rep. Bibbo for Public Works.

This bill was passed by the Committee on a 12-1 vote. With the amendment, it would bring the state's laws more in line with the recommendations of the Fire Marshal's Office, the private sector, the construction field, the Department of Safety relative to the use, storage and transportation of explosives.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Duties of State Fire Marshal. Amend RSA 153:4-a, I (supp) as inserted by 1971, 486:3 as amended by striking out said section and inserting in place thereof the following:

I. The state fire marshal shall have the power to approve, disapprove or allow exceptions to any fire safety regulation of any state agency except fire safety regulations established under RSA 224 and



shall be responsible for supervising and enforcing all laws of the state relative to the protection of life and property from fire, fire hazards and related matters, and shall assist the several counties, cities, towns, village districts and precincts in supervising and enforcing local laws, bylaws and ordinances where existent, relative to (a) the prevention of fires; (b) the storage, sale and use of combustibles; (c) the installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment; (d) the construction, maintenance and regulation of fire escapes; (e) the means and adequacy of exit, in case if fire, from factories, asylums, hotels, hospitals, churches, schools, halls, theaters, amphitheaters, nursing and convalescent homes, and all other places in which numbers of persons work, live or congregate from time to time for any purpose; (f) the investigation of the cause, origin and circumstances of fires; and (g) the transportation, storage and physical handling of flammable liquids and gases which he believes dangerous to the lives or safety of the citizens of the state.

2 Rules and Regulations. Amend RSA 153:5 (supp) as amended by striking out said section and inserting in place thereof the following:

153:5 Rules and Regulations. The state fire marshal may promulgate such reasonable standard rules and regulations to accomplish the intent and purposes of this chapter as he shall deem necessary, not inconsistent with the provision hereof or any law of this state. Such rules and regulations shall be adopted only after public hearing, notice of which shall be published in a paper of general circulation in the state at least 15 days before holding such hearing. The rules authorized hereunder shall be in accordance with established practicable means for securing safety to persons and property from fire or fire hazards, and for the storage, handling and transportation of combustibles, flammable liquids and gases and shall not be discriminatory in respect to persons engaged in like or similar businesses or industries. Notice containing a general statement of the contents of such rules and regulations adopted by the state fire marshal shall be published at least twice in some newspaper of general circulation in the state, if their application is general, or in some newspaper of local circulation, if their application is local, as provided in RSA 153:14, together with information as to where the full text of such rules and regulations may be obtained by any person, and the state fire marshal shall also give notice thereof by registered mail to each person interested therein who shall have registered with the state fire marshal his name and address with a request to be so notified, and such rules and regulations shall become effective upon such date subsequent to the published notice, and notice to interested

persons, required hereunder as may be specified by the state fire marshal therein. The application of such rules and regulations to installations, plants or equipment shall be limited to subsequent construction, remodeling or replacement of installations, plants and equipment and shall not apply to existing installations, plants or equipment otherwise covered thereby unless the state fire marshal shall find that the continuation thereof is inimical to the public welfare and safety and requires immediate correction.

3 Fire Safety Measures. Amend RSA 153:14, I and II (supp) as amended by striking out said paragraphs and inserting in place thereof the following:

I. For cities, towns, village districts and precincts not having local laws and ordinances, and those cities, towns, village districts and precincts whose existent laws and ordinances do not afford the necessary fire safety measures, the state fire marshal shall make and promulgate reasonable rules and regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly flammable materials and rubbish, flammable fluids or compounds, tablets, and may prescribe the materials and construction of receptacles and buildings to be used for any of the said purposes. These rules shall apply to the construction or remodeling of buildings and plants for flammable liquids and shall apply to new installation of and replacement of equipment for flammable liquids. These rules shall also apply to existing buildings, plants or equipment, which were not previously but are hereafter used for flammable liquids, but shall not apply to existing buildings, plants, structures or equipment now used for flammable liquids unless the state fire marshal shall determine the conditions constitute a fire hazard. These rules shall be adopted in conformity with the procedure set forth in RSA 153:5 and shall be subject to judicial review as provided in RSA 153:6. Any city, town, village district and precinct may adopt the rules and regulations of the state fire marshal by reference thereto, as a part of its local laws and ordinances.

II. The state fire marshal, his authorized officers, or fire chief upon complaint or whenever he or they shall deem it necessary, may inspect all buildings and premises within their jurisdiction. Whenever any of the said officers shall find any condition which shall endanger the safety of persons in a public building or other structure which, for want of repairs, lack of, or insufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or other dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, or whenever such officer shall find in any building



combustible matter or flammable conditions dangerous to the safety of such building or to property therein, or to lives and safety of the public, he shall order the same to be removed or remedied by written order. If such order requires a structural change or alteration, it must be approved by the state fire marshal or fire chief before it is effective. Such order shall be complied with by the owner of such premises or buildings within the time limit specified in such order. Provided, however, that any such owner, who is aggrieved by any such order, may within 14 days after the service of such order as hereinafter provided, file a petition with the superior court, praying for a review of such order; and it shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require.

4 Investigations. Amend RSA 153:18 (supp) as amended by striking out said section and inserting in place thereof the following:

153:18 Investigations. The state fire marshal may, in addition to the reports made by any fire chief, whenever he deems it expedient or advisable, investigate or cause to be investigated, the cause, circumstances and origin of any fire occurring in the state, by which property is endangered, damaged or destroyed, and may especially examine and decide whether the same was the result of carelessness or design. He shall have the power vested in a justice of the peace to compel the attendance of witnesses to testify before him upon inquiry. Any fire occurring where death results, shall be reported immediately to the office of the state fire marshal by the fire chief, and the office of the state fire marshal shall investigate the fire within 48 hours after receiving said report.

5 Powers. Amend RSA 154:2, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:

II. The fire chief shall have the authority to enforce any local or state laws or rules pertaining to the control of combustibles and the design of exits.

6 Duties of Certain Officials. Amend RSA 158:31 (supp) as inserted by 1973, 419:1 by striking out said section and inserting in place thereof the following:

158:31 Duties of Certain Officials. Heads of police in cities and towns shall investigate the cause and circumstances of every explosion in their respective jurisdictions by which property has been destroyed or damaged, especially to ascertain whether it was caused by carelessness or design. They shall begin such investigation forthwith after such explosion, and if it appears to the official making such investigation that the explosion is of suspicious origin or is the result of a violation of law, or if he is unable to determine the cause, he shall immediately notify the director of state police.

7 Acts Unlawful. Amend RSA 158:9-a, III (supp) as inserted by 1970, 45:1 by striking out said paragraph and inserting in place thereof the following:

III. No person shall store or keep any high explosive unless such explosive is stored or kept in accordance with regulations pursuant to RSA 158:9-f.

8 Applications. Amend RSA 158:9-b (supp as inserted by 1970, 45:1 by striking out said section and inserting in place thereof the following:

158:9-b Application.

I. Upon application of any resident or non-resident, the director of state police, or some person designated by him, shall issue a license to such applicant authorizing him to use, purchase and transport explosives in this state for not more than 2 years from the date of issue, if it appears that the applicant has any proper purpose and that the applicant is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the director. The license shall be issued within a reasonable time after application therefor, and, and if such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the department of safety, division of state police.

II. Upon application of any person, the director of state police, or some person designated by him, shall issue a license to such applicant authorizing him to store explosives in this state for not more than one year from the date of issue. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the director. The license shall be issued within a reasonable time after application therefor, and, if such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the department of safety, division of state police.

III. Upon application of any person, the director of state police, or some person designated by him, shall issue a license to such applicant authorizing him to sell or market explosives in this state for not more than one year from the date of issue. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the director. The license shall be issued within a reasonable time after application therefor, and, if such application is denied, the reasons for such denial shall

be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and a copy thereof kept in the office of the department of safety, division of state police.

#### 9 Fees and Disposition of Fees.

Amend RSA 158:9-c (supp) as inserted by 1970, 45:1 by striking out said sections and inserting in place thereof the following:

##### 158:9-c Fees and Disposition.

I. The fee for licenses issued under RSA 158:9-b (I) shall be \$4.

II. The fee for licenses for explosives storage facilities as defined by federal regulation in 26 CFR 181 shall be as follows:

(a) for a type I storage facility, a fee of \$10;

(b) for a type II outdoor storage facility, a fee of \$10, and for a type II indoor storage facility, a fee of \$1;

(c) for a type IV storage facility, a fee of \$5;

(d) for a type V storage facility, a fee of \$5;

(e) there shall be no license required for a type III storage facility.

III. The fee for licenses issued under RSA 158:9-b, III shall be \$10.

IV. All fees received under this section shall be used for administration and enforcement, any excess to be deposited as unrestricted general fund revenue.

V. The state, county, or municipal governments or units thereof shall be exempt from the payment of license fees under this chapter.

10 License Forms. Amend RSA 158:9-d (supp) as inserted by 1970, 45:1 by striking out said section and inserting in place thereof the following:

158:9-d License Forms. The director of state police is hereby authorized and directed to prepare forms for the licenses required by RSA 158:9-a.

11 Penalties. Amend RSA 158:9-e, I and II (supp) as inserted by 1970, 45:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. Any person convicted of violating the provisions of RSA 158:9-a, I and II shall be guilty of a misdemeanor for first and second offense and of a felony for any subsequent offense.

II. Any person convicted of violating the provisions of RSA 158:9-a, III or regulations promulgated pursuant thereto, shall be guilty of a misdemeanor for first and second offense and of a felony for any subsequent offense.

12 New Section. Amend RSA 158 by inserting after section 9-e the following new section:

158:9-f Rules and Regulations; Enforcement. The director of the division of state police, department of safety may promulgate such reasonable standard rules and regulations relative to the sale, storage, handling and transportation, inspection, administration and use of explosives. The director shall enforce all laws of the state relative to the

sale, storage, handling and transportation, inspection and administration and use of explosives and rules and regulations promulgated under this section. The director shall assist the several counties, cities, towns, village districts and precincts in supervising and enforcing local laws, bylaws and ordinances where existent, relative to the storage, transportation, sale and use of combustibles and explosives. The powers and duties authorized by this section shall not be restricted by the provisions of RSA 106-B:15.

13 Penalty. Amend RSA 158:9-e, II by striking out said paragraph and inserting in place thereof the following:

##### 158:9-e Penalties.

I. Any person convicted of violating the provisions of RSA 158:9-a, I and II shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

II. Any person convicted of violating the provisions of RSA 158:9-a, III and RSA 158:9-f shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

14 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 1164, relative to the transportation and storage of explosives. Inexpedient to Legislature. Rep. Cummings for Public Works.

It was voted unanimously (13-0) that this bill be Inexpedient to Legislature, because it is combined with HB 739, a similar bill.

Resolution adopted.

HB 1165, requiring the department of public works and highways to maintain railroad crossings which become the property of the state. Inexpedient to Legislature. Rep. Desnoyer for Public Works.

It was unanimously voted that this bill be inexpedient to legislate as it would place an additional cost upon the state and that the railroads presently pay this cost.

Resolution adopted.

Rep. George Wiggins requested a quorum count.

The Speaker declared a quorum present.

HB 1084, regulating motor vehicle and motorcycle sound emission levels. Ought to pass with Amendment. Rep. Taylor for Science and Technology.

This bill addresses the growing problem of noise from motor vehicles and was supported at the public hearing by the New England Trail Riders, motorcyclists and others. Present law only prohibits "excessive noise" and is difficult to

enforce. This legislation sets decibel (dBA) levels for different categories of vehicles. These limits are in compliance with national standards and manufacturers' factory-fitted mufflers. The Committee amendment adds a section providing for certification of and maximum noise levels on motorcycle mufflers.

#### Amendment

Amend RSA 263:95 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

263:95. Motorcycle Manufacturer Certification.

I. No person shall sell, offer for sale, or lease any new motorcycle which produces a maximum sound level exceeding the limits set forth in paragraph II when measured under the test procedure SAE J331a, established by the Society of Automotive Engineers.

II. Motorcycle manufactured after January 1, 1977 and before December 31, 1980, shall not exceed a maximum sound level limit of 83 dBA; motorcycles manufactured after December 31, 1980 and before December 31, 1985, shall not exceed a maximum sound level limit of 80 dBA; and motorcycles manufactured after December 31, 1985 and before December 31, 1990, shall not exceed a maximum sound level limit of 75 dBA.

III. Motorcycles designed, constructed, and sold solely for use in closed-course off-highway racing events are exempt from the provisions of this section, except that such vehicles shall not be operated except at facilities specifically constructed for off-highway racing.

IV. No manufacturer, distributor, or importer shall sell or offer for sale in the state any new motorcycle, unless he has filed with the director certification that it meets the sound level standards in paragraph II. Such certification shall be in accordance with procedures adopted by the director.

V. No manufacturer, distributor, or importer of motorcycles or motorcycle exhaust system or part thereof unless he has filed with the director certification that it complies with RSA 263:94 and RSA 263:95. II.

Amendment adopted.

Ordered to third reading.

HB 522, increasing the fee for initial number plates from \$5 to \$10. Ought to Pass. Rep. James Murray for Transportation.

The Committee has seen that the fee for initial plates has not been raised for many years and that this fee is below what the privilege of having such a special plate is worth. In addition the Committee feels that in this time of fiscal crisis the state could use the revenue from this raise in fees. However, the Committee in no

way intends that these added revenues generated from this raise in fees to be used for the increasing of Driver Education teachers' salaries.

Rep. James Murray offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing the fee for initial number plates from \$5 to \$10 and requiring that initial plates be issued each year.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Fee Increased; Changeable Designation Eliminated. Amend RSA 260:10-a (supp) as inserted by 1957, 18:1 as amended by striking out said section and inserting in place thereof the following:

260:10-a Initial Number Plates. The director is hereby authorized to design and to issue, under such regulations as he shall deem appropriate, initial number plates to be used on motor vehicles in lieu of other number plates. Such number plates shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, but there shall be no duplication of identification. Such number plates shall be issued each year and only upon application therefor, and upon payment of a special fee of \$10. Said special fee is in addition to the regular motor vehicle registration fee as prescribed by law for the particular vehicle. The balance of the special fees collected under this section, as determined pursuant to RSA 262:1-a, shall be paid to the state treasurer as provided by said section.

2 Effective Date. This act shall take effect 60 days after its passage.

The Assistant Clerk read the amendment.

Rep. James Murray explained his amendment.

Rep. James J. White spoke in favor of the amendment.

Rep. Nighswander spoke against the amendment.

Amendment adopted.

Ordered to third reading.

HB 832, amending certain time limits under the uniform motor vehicle certificate of title law. Ought to Pass. Rep. James Murray for Transportation.

This bill moves the time limit that an owner of a motor vehicle must mail an application for title and supporting documents to the Division of Motor Vehicles, from 10 to 20 days. Further, it permits the perfection of a security interest if the required documents are forwarded within 20 days instead of the current 10. Finally, it changes the time limit on enacting certain penalty provisions from 10 to 20 days. These changes are all made



to keep the title law in accordance with mailing and other changing conditions of the times.

Rep. James Murray yielded to questions. Referred to Appropriations.

HB 854, authorizing the director of the division of motor vehicles or his agents to examine vehicles in certain locations. Ought to Pass. Rep. James Murray for Transportation.

The Committee saw after testimony from members of last year's Special Title Committee that the inability of title investigators to enter into any place that deals with cars or parts could hinder their ability to perform their jobs. This inability leads to illegal activity that the investigators could not control.

Referred to Appropriations.

HB 1036, authorizing the issuance of an occupational driver's license. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Department of Safety testified that because of the complications inherent in an occupational driver's license law that it would be nearly impossible to police. Under these conditions the Transportation Committee felt passage of this legislation would not be justified as being worthwhile. Resolution adopted.

HB 59, expanding the exceptions on real estate taxes for the elderly. Inexpedient to Legislate. Rep. McLane for Ways and Means.

Although the intent of this bill is laudable, the Committee voted Inexpedient to Legislate (11-1) because the burden will fall on already hard-pressed cities and towns. Resolution adopted.

HB 650, amending the property tax laws relative to land, buildings and personal property of the state, cities, towns, school districts and village districts. Inexpedient to Legislate. Rep. McLane for Ways and Means.

The Committee felt that exempting leased state property from taxation would impose a new burden on certain communities and might adversely affect a pending court case of the City of Portsmouth. Resolution adopted.

HB 872, exempting Christmas trees and related forest products from the timber tax law. Ought to Pass. Rep. McLane for Ways and Means.

The "Weigh and Mean Committee" hasn't given the House a present this session, so it decided to pass this bill.

Rep. Elmer Johnson yielded to questions.

Rep. McLane spoke in favor of the committee report.

Rep. George Wiggins moved that HB 872 be indefinitely postponed.

Rep. Michael Woodard spoke in favor of the motion.

Rep. Mann spoke against the motion. Motion lost.

Ordered to third reading.

HB 250, establishing procedures for search and rescue operations; establishing a search and rescue account, and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Allows volunteers to be covered by Workmen's Compensation.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to providing workmen's compensation coverage for certain search and rescue operation volunteers.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Search and Rescue Volunteers; Workmen's Compensation Coverage Provided. Amend RSA 281 by inserting after section 5 the following new section:

281:5-a Certain Volunteers Covered. Volunteers participating in search and rescue operations organized and directed pursuant to RSA 206:26, XII shall be deemed to be state employees for the purpose of workmen's compensation coverage for state employees under RSA 281:5 and 6.

2 Effective date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 998, relative to the award of costs and fees in an action brought to issue a writ of mandamus against municipal and county officers. Inexpedient to Legislate. Rep. George Wiggins for Constitutional Revision.

This bill is unnecessary. It would only harass public officials.

Rep. George Wiggins spoke to the committee report.

Resolution adopted.

HB 1028, encouraging the reporting of infirm and incapacitated elderly persons. Ought to Pass. Rep. Fred Murray for Health and Welfare. Committee voted 9-2.

Rep. Lyons offered an amendment.

#### Amendment

Amend RSA 167-D:2 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. "Protective services" means services furnished by the division to an



elderly infirm or incapacitated person with the person's consent or appropriate legal authority, in order to assist the person in performing the activities of daily living, and thereby maintain independent living arrangements and avoid hazardous living conditions.

Amend RSA 167-D as inserted by section 1 of the bill by inserting after section 6 the following new section and renumbering the original section 7 to read as section 8

#### 167-D:7 Protective Services.

I. The services furnished in a protective services system may include but are not limited to: social case work; health evaluation; supervision, guidance and counseling; home care; day care; social services; and other services consistent with the purposes of this chapter. Such services do not include protective placement.

II. In order to provide protective services, a protective services system may include but is not limited to the following service-related activities; outreach; identifying persons in need of services; counseling; referring persons for services; evaluating individuals; arranging for services; tracking and following up cases; petitioning the courts for the appointment of a conservator or guardian of the person; and other activities consistent with the purposes of this chapter.

III. The costs of providing protective services shall be borne by the provider of such services, unless the elderly person agrees to pay for them or a court authorizes the provider to receive reasonable reimbursement from the person's assets after a finding that the person is financially able to make such payment.

The Speaker dispensed with the reading.

Rep. Lyons spoke to her amendment.

Rep. Fred Murray spoke in favor of the amendment.

Amendment adopted.

Rep. Fred Murray offered an amendment.

#### Amendment

Amend RSA 167-D:3 and 4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

167-D:3 Report Required. Any person aware or having reasonable cause to believe that an elderly person is infirm or incapacitated and in a hazardous living situation shall report such information either to the bureau of adult services, division of welfare, department of health and welfare, which shall immediately investigate such cases as provided in RSA 167-D:6 or to a local selectman, overseer of the poor or health officer, who shall immediately investigate such cases as provided in RSA 167-D:6. Any person who is unable to contact either the bureau of adult services or such local officials shall make the report to the police, who shall report such information to the local officials within 2 days. Such local officials shall notify the bureau of adult

services in writing within 3 days of the receipt of any report made under the provisions of this section, after taking any necessary action, so that further action, if necessary, may be taken by the division.

167-D:4 Procedure for Reporting. An oral report that an elderly person is infirm or incapacitated and in a hazardous living situation shall be made immediately to the division, or those local officials specified in RSA 167-D:3, by telephone or otherwise and shall be followed within 3 days by a written report, if so requested, to the division. It shall include the name, address, and age of the elderly person; the name and address of any person responsible for the elderly person's care; the nature and extent of the elderly person's condition; the basis of the reporter's knowledge; and other relevant information.

Amend RSA 167-D:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

167-D:6 Action on Report. Upon receipt of a report, the division or those local officials specified in RSA 167-D:3, shall make a prompt and thorough investigation and evaluation to determine whether the elderly person is in need of protective services and what services are needed, unless it is determined that the report is frivolous or is patently without a factual basis. The evaluation shall include a visit to the person and consultation with others having knowledge of the facts of the particular case. After the evaluation is complete, the director shall make a written report of his findings to the elderly person, such person's spouse or next of kin, and the person making the report. If the director determines that the elderly person needs protective services, the director, the elderly person, said person's spouse or any interested person may petition the probate court for an emergency order for protective services. The division may furnish protective services to the elderly, infirm or incapacitated person with the person's consent or at the direction of appropriate legal authorities.

The Speaker dispensed with the reading.

Rep. Fred Murray explained his amendment.

Amendment adopted.

Referred to Appropriations.

HB 1131, relative to the inspection of beverage dispensing equipment. Majority: Rep. Blanchette for Health and Welfare. Ought to Pass with Amendment. Minority (Rep. Eugene Daniell): Inexpedient to Legislate.

Majority: The bill was amended by the Committee and reported out as ought to pass with amendment by a vote of 6-5.

Minority: This bill calls for expensive services for which no appropriation is made. No health hazard is involved. The

responsibility for disbursing tasty beer should be left to the wholesalers and retailers.

Rep. Eugene Daniell moved that the words, Inexpedient to Legislate, be substituted for the majority report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Blanchette spoke against the motion.

Rep. Pratt spoke in favor of the motion.

Rep. Fred Murray spoke in favor of the bill

A division was requested.

166 members having voted in the affirmative and 91 in the negative, the motion failed; the number present and voting being 257, eight less than two-thirds of the elected members. Article II Part 20 of the Constitution states when there are less than two-thirds present and voting it takes two-thirds for actions to be valid.

Question being on the committee amendment.

#### Amendment

Amend RSA 143:9-b, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. "Draught equipment" means all equipment used in dispensing of alcoholic malt beverages.

Amend RSA 143:19-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

143:19-c Clean Equipment Required. All premises that engage in the sale of alcoholic malt beverages through draught dispensing equipment or other means, other than individual containers, shall be required to have such equipment cleaned by the owner or operator at least once every 60 days.

Amendment lost.

Rep. Marshall French moved that HB 1131 be laid upon the table.  
Adopted.

Reps. Marshall French and Spiro moved that the House invite the Honorable Senate to join in a Joint Convention for the purpose of being advised on the state of the budget.

Adopted.

#### RECESS

#### COMMITTEE REPORTS (cont'd)

HB 1166, relative to establishment of contractor's bid depository system by the commissioner of public works and highways. Majority: Inexpedient to Legislate. Rep. Coburn for Public Works. Minority: (Reps. James J. White and Martineau): Ought to Pass.

Majority: The majority of the Committee voted Inexpedient to

Legislate. The majority believed that establishing a depository system of sub-contractors' bids to be followed by all sub-bidders on state contract

construction projects, sub-contractors would be afforded no greater protection than they now have and that the state would not materially benefit from this bill.

Minority: Although the specifics are not clearly defined relative to value to New Hampshire and ultimately the taxpayers this concept is long overdue.

Rep. Ward moved that the words, Ought to Pass with Amendment, be substituted for the majority report, Inexpedient to Legislate.

Adopted.

Rep. Ward offered an amendment.

#### Amendment

Amend RSA 228:4, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. The commissioner of public works and highways shall promulgate rules, pursuant to RSA 541-A, establishing a depository system of subcontractors' bids to be followed by all bidders on state contract construction on fixed plant or buildings whose cost is estimated to exceed \$75,000.

The Assistant clerk read the amendment.

Reps. Ward, James J. White and Maglaras spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 966, requiring local approval for any major development in a town. Refer to the Committee on Municipal and County Government for Interim Study. Rep. Dreniak for Municipal and County Government.

The intent of this bill is to allow voters of municipalities input on any major development. The Committee concurs with the sponsor that more work is needed on the bill.  
Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Wiswell, Huggins and Bradley Haynes offered the following:

#### HOUSE RESOLUTION NO. 37

concerning the port of entry in Pittsburg.

WHEREAS, the port of entry in Pittsburg, New Hampshire is only open from 8:00 a.m. to 4:00 p.m.; and

WHEREAS, the nearest port of entry that is open 24 hours is Beecher Falls, Vermont; and

WHEREAS, it is possible to check in at Beecher Falls and head into New Hampshire

and cross over into Canada again and then return, by crossing at Pittsburg after hours; and

WHEREAS, this creates a possibility for smuggling and a bad business climate for people working at the paper mill, who try to get in to work, and are faced with a shorter work day, so they can report back by 4:00 p.m.; now, therefore be it

RESOLVED by the House of Representatives:

That the New Hampshire House of Representatives petition the New Hampshire congressional delegation to take appropriate action to keep the port of entry at Pittsburg, New Hampshire open on a 24 hour basis; and be it further

RESOLVED, that a copy of this resolution be sent to the members of the New Hampshire congressional delegation.

The Assistant clerk read the resolution.

Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Marshall French offered the following:

#### HOUSE RESOLUTION NO. 36

concerning a study of covered bridges.

WHEREAS, House Bill 70, regarding state ownership of the covered bridge between Lancaster, New Hampshire and Lunenburg, Vermont, was sent to the Interstate Cooperation Committee for Interim Study; and

WHEREAS, the members of the Interstate Cooperation Committee feel that it is appropriate for them, as a committee, to study the historical significance and the need for repair to these structures; now, therefore be it

RESOLVED by the House of Representatives that Interstate Cooperation Committee be instructed to study all covered bridges that span the Connecticut River, in terms of their historical significance and the cost and type of necessary repairs; and be it further

RESOLVED that the Interstate Cooperation Committee be instructed to report its findings to the Speaker of the House no later than October 1, 1978.

The Assistant Clerk read the resolution.

Rep. Marshall French spoke in favor of the Resolution.

Rep. Mann spoke to the resolution. Resolution adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Terry Wiggin offered the following:

#### HOUSE RESOLUTION NO. 30

to study the establishment of a regional veterinary school.

WHEREAS, there does not exist in the New England states a veterinary school; and

WHEREAS, there exists a need for the establishment of at least a regional veterinary school;

NOW, THEREFORE, BE IT RESOLVED:

That the Interstate Cooperation Committee be respectfully requested to study the feasibility of locating and funding a regional veterinary school in the New England region and issue a report of its study with any recommendations by January 1, 1978.

The Assistant clerk read the resolution.

Rep. Chandler spoke to the resolution.

Rep. Chandler moved that HR 30 be laid upon the table.

Adopted.

#### JOINT CONVENTION

(Speaker of the House presiding)

Rep. McLane offered the monthly report of the Ways and Means Committee.

Sen. Trowbridge addressed the House on the state of the budget.

Rep. Tucker spoke on the state of the budget, and yielded to Rep. McLane.

Sen. Smith and Rep. Sprou moved that the Joint Convention rise.

Adopted.

#### HOUSE

#### COMMITTEE REPORTS (cont'd)

HB 887, relative to recoveries from third persons under the workmen's compensation law. Ought to Pass. Rep. Pappas for Judiciary.

Under the present workmen's compensation law (RSA 281) if an injured employee collects damages from a third person other than the employer or employer's insurance company then the employer or employer's insurance company has a lien on some of the recovered damages. Also, if damages are recovered by the estate of a deceased employee the employer or employer's insurance company has a lien on those damages.

This bill eliminates the right of the employer or employer's insurance company to obtain a lien on damages recovered by an employee or the estate of an employee and provides that any recovery made by an employee from a third party shall belong exclusively to the employee.

Thus the committee felt that based on the testimony given, the increase in workmen's compensation insurance would be minimal. Furthermore, the amount of damages recovered successfully from third parties was a very small percent compared to the total amount of damages recovered under the workmen's compensation law. And since the occurrence of these cases are rare, and the employee has given up his legal right to sue his employer, any damages he may recover from a third party due to their negligence or any other reason for which the employer or his insurance company are not held liable for said negligence or any other reasons. Therefore, they should not have any lien on any damages recovered from a third party.



Any damages caused by a third party are borne solely by the employee and he should be exclusively entitled to any damages recovered.

Rep. George Wiggins moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion. Rep. Pappas spoke against the motion. A roll call was requested. Sufficiently seconded.

Rep. Daniel Healy abstained from voting under Rule 16.

(Speaker presiding)

YEAS 204 NAYS 105

YEAS 204

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Lawton, Mansfield, Morin and Nighswander.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Chase, Close, Dostilio, Faucher, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Marshala, Matson, Moore, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Fortier, Horton, Huggins, Hunt, Keough, Oleson, Wiswell and York.

GRAFTON: Aldrich, Buckman, George Gate, Clark, Cornelius, Duhaime, Gemmill, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Bednar, Belanger, Bridges, Carswell, Coburn, Mark Connolly, Joseph Cote, Coughlin, Coutermarsh, Crotty, Cullity, William Desmarais, L. Penny Dion, Dreniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Head, Heald, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, LaPlante, Lesvesque, Madigan, Marcoux, McLaughlin, Morgan, Fred Murray, Kerry O'Connor, Timothy O'Connor, O'Neil, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Simard, Sing, Leonard Smith, Soucy, Stahl, Stylianos, Van Loan, Geraldine Watson and M. Arnold Wight.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Polly Johnson, LaBonte, Donna MacIvor, Mullin, Plourde, Pratt, Ralph, Rice, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Akerman, Benton, Bisbee, Blake, Blanchette, Campbell, Collins, Cummings, Cunningham, Danforth, Davis, Robert Day, Felch, Flanagan, Beverly Gage, Gould, Greene, Griffin, Hoar, Kashulines,

King, Lovejoy, Nelson, Norton, Parolise, Parr, Anthony Randall, Richards, Rogers, Schwaner, Skinner, Alfreda Smith, Stimmell, Stratton, Tavitian, Donald Smith, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Canney, Donnelly, Joncas, Joos, Lefavour, Maloomian, Meader, Osgood, Preston, Schreiber, Donald Smith, Torrey, Tripp and Shirley White.

SULLIVAN: Barrus, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 105

BELKNAP: Michael Hanson, Kenneth Randall and Sanders.

CARROLL: Claflin.

CHESHIRE: Daniel Eaton, Fillback, Krause, Parker, Proctor and Russell.

COOS: Cooney, Bradley Haynes, George Lemire, Poulin, Theriault, Alcide Valliere and Neila Woodward.

GRAFTON: Copenhaver, Crory, Logan, Neil McIver, Stomberg, Taylor and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Barrett, Bosse, Brody, Burke, Corser, Margaret Cote, Catherine-Ann Day, Arline Dion, Cort Hansen, George Healy, Kaklamanos, Lyons, Martin, McDonough, McGlynn, Morrison, Orcutt, Pappas, Pelletier, Plomaritis, St. George, Francis Sullivan, Kevin Sullivan, Harold Thomson, Wallin, Emma Wheeler, James J. White, John Winn and Ziakas.

MERRIMACK: Ayles, Blakeney, Bodi, Carroll, Hess, McLane, McNichol, Arthur Perkins, Rich, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Carpenito, Connors, Cotton, Dunfey, Carl Gage, Ganley, Gaskill, Grieco, Hartford, Kane, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Pucci, Quimby, Sanborn, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, Horrigan, Kelly, Kincaid, Lessard, Dennis Ramsey, Ruel and Valley.

SULLIVAN: Brodeur and Lucas, and the motion passed.

Resolution adopted.

HB 865, repealing the statement of legislative intent and the study by judiciary committees relative to RSA 571-B and RSA 650. Majority: Inexpedient to Legislate. Rep. Pappas for Judiciary. Minority (Reps. Doris Riley, Lewko, Daniel Healy, Mansfield and Ayles): Ought to Pass.



Majority: The majority of the Committee felt that although a problem may exist, it is a grave injustice and discriminatory practice to use an innocent store clerk as a vehicle to get at the real offenders. If this bill were enacted, store clerks working merely as cashiers could be liable. It was felt that these magazines or books constitute only a small percentage of the total goods sold by the clerk. And that the clerk in most instances has no say whatsoever as to what is sold.

Therefore, we believe the real guilty party should be prosecuted. It was further felt that since we have provided protection for librarians and projector operators in adult movies, this protection should also be afforded to store clerks who have no say as to what material is sold in the store. Alternative procedures to solve this problem were brought out in the hearing and it feels these should be pursued rather than unfairly prosecute an innocent party, which is directly opposite with the Legislature's intent when passing our pornography statutes.

Minority: This bill deals with Chapter 46 of 1976 Session Laws. This bill would remove the ambiguity of RSA 571-B and RSA 650. If adopted, it would clarify the two chapters and make this more clearly enforceable by the Attorney General's Office.

Rep. Doris Riley moved that the Minority report, Ought to Pass, be substituted for the Majority report, Inexpedient to Legislate, and spoke to her motion.

Reps. Martin, Marshall French, Spirou, Fortier and Elmer Johnson spoke against the motion.

Reps. Kenneth MacDonald, Daniel Healy and Ayles spoke in favor of the motion.

Rep. Tucker moved the previous question. Sufficiently seconded. Adopted. A division was requested.

88 members voting in the affirmative and 223 in the negative, the motion lost. Resolution adopted.

HB 1138, establishing training, certification, use and supervision of professional guardians. Refer to the Committee on Judiciary for Interim Study. Rep. Pappas for Judiciary.

The Committee felt that this bill was laudable and desirable, but that procedures for instituting legislative action concerning guardianship issues should be studied in the interim. The Committee has several other guardianship bills in interim study and would like to include this one to obtain a more comprehensive review of the entire guardianship issue.

Rep. Michael Hanson moved that HB 1138 be laid upon the table. Adopted.

HB 845, revising the access to public records law (RSA 91-A). Refer to the Committee on Judiciary for Interim Study. Rep. Doris Riley for Judiciary.

The Committee recognizes there are problems in the present Right-to Know law. Loopholes exist in the law, but the problems to be corrected will require some time to correct. Some of the concerns of the Committee are the problem of balancing the public's right to be informed as opposed to the need to run executive sessions with order and efficiency. The difficulties arise with technicalities such as the length of time necessary to produce minutes of meetings versus the convenience of the public in obtaining those minutes. The present bill reviewed by the Committee also places strict prohibitions on the use of the executive session by agencies and boards. The Committee believes that there is need to study these prohibitions since in fact they could be too restrictive and unduly "handcuff" boards at the local level that are largely operating on a volunteer basis.

Rep. Arthur Perkins spoke to the committee report.

Rep. Lucas moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Judiciary for Interim Study, and spoke to his motion.

Rep. Arthur Perkins yielded to questions.

Motion adopted.

Rep. Perkins offered an amendment.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Preamble Enacted. Amend RSA 91-A:1 (supp) as inserted by 1967, 251:1 as amended by striking out said section and inserting in place thereof the following:

91-A:1 Preamble. Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

2 Definitions. Amend RSA 91-A by inserting after section 1 the following new section:

91-A:1-a Definition of Public Proceedings. The term "public proceedings" as used in this chapter means the transaction of any functions affecting any or all citizens of the state by any of the following:

- I. The general court including executive sessions of committees;
- II. The governor's council;
- III. Any board or commission of any state agency or authority;

IV. Any board, commission, agency or authority, of any county, town, municipal corporation, school district, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

3 "Meeting" Defined. Amend RSA 91-A:2 (supp) as inserted by 1967, 251:1 as amended by striking out said section and inserting in place thereof the following:

91-A:2 Meetings Open to Public.

I. For the purpose of this section, a "meeting" shall mean the convening of a quorum of the membership of a public body, as provided in section 91-A:1-a, to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power.

II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Any person shall be permitted to use recording devices, including but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions shall be promptly recorded and open to public inspection within 72 hours of the public meeting, except as provided in 91-A:6 of this chapter, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including an executive session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives shall be sufficient notice. If the Charter of any city or guidelines or rules of order of any body or agency described in section 91-A:1 requires a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

4 Executive Sessions. Amend RSA 91-A:3 (supp) as inserted by 1967, 251:1 as amended by striking out said section and inserting in place thereof the following:

91-A:3 Executive Sessions.

I. Bodies or agencies may meet in executive session for deliberations only after a majority vote of members present, which shall be recorded in the minutes of the meeting. All sessions at which information, evidence or testimony in any form is received, except as provided in paragraph II, shall be open to the public. No ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official actions shall be finally approved in executive session except as provided in paragraph II. The record of all actions shall be available for public inspection promptly, except as provided in paragraph II.

II. Exceptions. A body or agency may exclude the public, citing for the record the appropriate subparagraph hereof, when it is considering or acting upon the following matters:

(a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected requests an open meeting.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting.

(d) Consideration of the acquisition, sale or lease of property which, if discussed in public, likely would benefit a party or parties whose interests are adverse to those of the general community.

(e) Matters discussed by a legislative committee sitting in executive session, which should not be made public as determined by a 3/5 roll-call and recorded vote of the members present and voting at such meeting.

III. Minutes of Executive Sessions. Minutes of proceedings in executive session shall be kept, at least to the extent of recording any decisions made therein. Decisions reached in executive session must be publicly disclosed within 72 hours of the meeting, unless, in the opinion of 2/3 of the members present, divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself or render the proposed action ineffective. In event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

5 Violation. Amend RSA 91-A:7 (supp) as inserted by 1967, 251:1 by striking out said section and inserting in place thereof the following:

91-A:7 Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. The courts shall give proceedings under this chapter priority of the court calendar. Such a petitioner may appear with or

without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. When any justice shall find that time probably is of the essence, he may order notice by any reasonable means, and he shall have authority to issue an order ex parte when he shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

6 Remedies. Amend RSA 91-A:8 (supp) as inserted by 1973, 113:1 by striking out said section and inserting in place thereof the following:

91-A:8 If any body or agency or employee or member thereof, in violation of the provisions of this chapter, refuses to provide a public document or refuses access to a public proceeding to a person who reasonably requests the same, such body, agency or person may be liable for reasonable attorney's fees and costs incurred in making the information available or the proceeding open to the public, at the discretion of the court. In addition to any other relief awarded pursuant to this chapter, the court may issue an order to enjoin future violations of this chapter.

7 Effective Date. This act shall take effect 60 days after its passage.

Rep. Perkins requested that reading of the amendment be suspended, and explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 826, establishing a primary for Rochester city elections. Refer to the Committee on Municipal and County Government for Interim Study. Rep Richard Hanson for Municipal and County Government.

The Committee feels this should be studied along with HBI 2015 relative to the City Charter.

Rep. Grassie moved that the words, Ought to Pass, be substituted for the committee report, refer to Municipal and County Government for Interim Study, and spoke to his motion.

Motion adopted.

Ordered to third reading.

HB 744, relative to the election of Belknap county commissioners. Inexpedient to Legislate. Rep. Beverly Gage for Municipal and County Government.

This bill proposes a residency requirement and redistricting for election of Belknap County Commissioners. The Committee feels this is a matter for local referendum rather than legislative action.

Rep. Gary Dionne moved that the words, Ought to Pass, be substituted for the

committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Beard and Michael Hanson spoke in favor of the motion.

Reps. Richard Hanson and Marshall French spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 149 NAYS 156

YEAS 149

BELKNAP: Ambrose, Beard, Gary Dionne, Michael Hanson, Hildreth, Lawton, Morin, James Murray and Sabbow.

CARROLL: Roderick Allen, Found and Keller.

CHESHIRE: Dostilio, Daniel Eaton, Galloway, Hogan, Krause, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatitsis and Terry Wiggin

COOS: Fortier, Bradley Haynes, Huggins, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Snell, Taffe, Ward and Michael Woodward.

HILLSBOROUGH: Ahern, Belanger, Albert Bellemore, Emile Boisvert, Bosse, Brody, Mark Connolly, Corser, Margaret Cote, Coutermarsh, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Gabrielle Gagnon, Cort Hansen, Thomas Hynes, Kklamanos, Keefe, Lachance, LaPlante, Levesque, McLaughlin, Morrison, Fred Murray, Nemzoff-Berman, Pappas, Pasradis, Pelletier, Podles, St. George, Wallace, Wallin, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Laurent Boucher, Carroll, Chandler, Eugene Daniell, Foley, Gamache, McNichol, Arthur Perkins, Ralph, Rice, Rich, Doris Riley, Shepard, Doris Thompson, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Benton, Blake, Blanchette, Carpenito, Connors, Cotton, Danforth, Ganley, Gaskill, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Maynard, Parr, Pucci, Quimby, Anthony Randall, Sanborn, Schwaner, Alfreda Smith, Splaine, Vlack, Webster and Zabarsky.

STRAFFORD: Burchell, Canney, Donnelly, Bruce French, Charles Grassie, Joos, Kelly, Morrisette, Ruel, Torrey, Valley and Shirley White.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, LeBrun and Sara Townsend.

NAYS 156

BELKNAP: Marshall French, Nighswander, Kenneth Randall and Sanders.



CARROLL: Claflin, Raymond Conley,  
Dickinson, Howard, Kenneth MacDonald,  
Kenneth Smith and Towle.

(Speaker presiding)  
YEAS 185 NAYS 136  
YEAS 185

CHESHIRE: Callahan, Close, Faucher,  
Fillback, Anne Gordon, Irvin Gordon, Elmer  
Johnson and Marshala.

BELKNAP: Ambrose, Beard, Bowler, Gary  
Dionne, Michael Hanson, Hildreth, Lawton,  
Nighswander, Kenneth Randall and Sabbow.

COOS: Burns, Cooney, Horton, Hunt,  
Keough, Mabel Richardson and York.

CARROLL: Roderick Allen, Claflin, Raymond  
Conley, Found and Howard.

GRAFTON: Aldrich, Ira Allen, George Cate,  
Dearborn, Duhaime, Gemmill, Logan, Mann,  
McAvoy, Neil McIver, Pepitone, Rounds,  
Stomberg and Madeline Townsend.

CHESHIRE: Chase, Close, Dostilio, Daniel  
Eaton, Krause, Matson, Moore, Parker,  
Proctor, Margaret Ramsay, Russell and  
Terry Wiggins.

HILLSBOROUGH: Ainley, Aubut, Barrett,  
Bednar, Bridges, Burke, Carswell, Coburn,  
Joseph Cote, Coughlin, Cullity, William  
Desmarais, Joseph Eaton, Nancy Gagnon,  
Girolimon, Granger, Sal Grasso, Head,  
Heald, George Realy, Howard Humphrey,  
Karnis, Knight, Lyons, Madigan, Marcoux,  
Martin, Morgan, Kerry O'Connor, O'Neil,  
Arnold Perkins, Peters, Plomaritis, Polak,  
Henry Richardson, Seamans, Simard, Leonard  
Smith, Soucy, Stahl, Stylianos Francis  
Sullivan, Harold Thompson, Van Loan,  
Geraldine Watson, Emma Wheeler and Ziakas.

COOS: Cooney, Fortier, Bradley Haynes,  
Patenaude, Poulin, Willey and Wiswell.

GRAFTON: George Cate, Chambers,  
Copenhaver, Cornelius, Dearborn, Gemmill,  
Logan, Neil McIver, Rounds, Stomberg,  
Taffe and Michael Woodard.

MERRIMACK: Ayles, Bibbo, Blakeney, John  
Cate, Milton Cate, Richard Hanson, Hess,  
James Humphrey, Polly Johnson, Kidder,  
LaBonte, Donna MacIvor, Mullin, Pratt,  
Gerald Smith, Stefanides, Stockman, Tarr,  
Waters and Wiviott.

HILLSBOROUGH: Ahern, Aubut, Albert  
Bellemore, Bernier, Emile Boisvert, Bosse,  
Brody, Carswell, Mark Connolly, Corser,  
Margaret Cote, Coughlin, Coutermarsh,  
Cullity, Currier, Catherine-Ann Day,  
Arline Dion, L. Penny Dion, Drenniak,  
Joseph Eaton, Nancy Gagnon, Girolimon,  
Cort Hansen, Head, Daniel Healy, Thomas  
Hynes, Keefe, Knight, LaPlante, Lyons,  
Marcoux, Martin, McDonough, Morrison, Fred  
Murray, Nemzoff-Berman, Kerry O'Connor,  
O'Neil, Orcutt, Pappas, Pelletier, Peters,  
Podles, Simard, Sing, Leonard Smith, St.  
George, Stahl, Van Loan, Wallin, James J.  
White, M. Arnold Wight, Cecelia Winn and  
John Winn.

ROCKINGHAM: Akerman, Bisbee, Campbell,  
Cummings, Cunningham, Davis, Robert Day,  
Felch, Flanagan, Beverly Gage, Gould,  
King, Lovejoy, Joseph MacDonald, Donna  
McEachern, Joseph McEachern, Nelson,  
Niebling, Norton, Parolise, Rogers,  
Scamman, Skinner, Stimmell, Stratton,  
Tavitian, Helen Wilson and Wolfsen.

MERRIMACK: Blakeney, Bodi, Carroll,  
Milton Cate, Eugene Daniell, Foley, Hess,  
Kidder, Donna MacIvor, McLane, McNichol,  
Packard, Pratt, Ralph, Rich, Gerald Smith,  
Stefanides, Doris Thompson, Trachy, Robert  
Watson and Wiviott.

STRAFFORD: Appleby, Hebert, Horrigan,  
Joncas, Kincaid, Lefavour, Maloomian,  
Meador, Nadeau, Osgood, Preston, Dennis  
Ramsey, Schreiber, Donald Smith and Tripp.

ROCKINGHAM: Aeschliman, Benton, Blake,  
Campbell, Carpenito, Connors, Cotton,  
Cummings, Dunfee, Felch, Flanagan, Carl  
Gage, Canley, Gaskill, Gould, Griffin,  
Hartford, Kane, Kashulines, Krasker,  
Joseph MacDonald, Maynard, Donna  
McEachern, Niebling, Parolise, Pucci,  
Quimby, Richards, Rogers, Schwaner,  
Alfreda Smith, Splaine, Stimmell,  
Stratton, Tavitian, Vlack, Helen Wilson,  
Wojnowski and Zabarsky.

SULLIVAN: Ingram, Lewko, Scott,  
Spaulding, Tucker and George Wiggins, and  
the motion lost.

Resolution adopted.

HB 978, requiring that any state owned  
property leased to private parties shall  
comply with local zoning ordinances.  
Inexpedient to Legislate. Rep. Richard  
Hanson for Municipal and County Government.

Would be inconsistent with existing  
state law as presently in force.

Rep. Griffin moved that the words,  
Ought to Pass be substituted for the  
committee report, Inexpedient to  
Legislate, and spoke to her motion.

Reps. Norton, Chandler and Richard  
Hanson spoke against the motion.

Reps. Maynard, Krasker and Leonard  
Smith spoke in favor of the motion.

Rep. Splaine requested a roll call.  
Sufficiently seconded.

STRAFFORD: Burchell, Charles Grassie,  
Dianne Herchek, Horrigan, Joncas, Joos,  
Kelly Lessard, Maloomian, Meador,  
Morrisette, Rod O'Connor, Osgood, Ruel,  
Sackett, Schreiber, Donald Smith, Torrey,  
Valley, Voll and Shirley White.

SULLIVAN: Ingram, Spaulding, Sara  
Townsend and Tucker.

NAYS 136

BELKNAP: Marshall French, Mansfield,  
Morin, James Murray and Sanders.



CARROLL: Dickinson, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Terry, Vrakatitsis and Whipple.

COOS: Burns, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Clark, Duhaime, Mann, McAvoy, Pepitone, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ainley, Barrett, Bednar, Bridges, Burke, Coburn, Joseph Cote, Crotty, William Desmarais, Gabrielle Gagnon, Granger, Sal Grasso, Heald, George Healy, Howard Humphrey, Karnis, Lachance, Levesque, Madigan, McLaughlin, Timothy O'Connor, Paradis, Arnold Perkins, Plomaritis, Polak, Henry Richardson, Seamans, Soucy, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Gamache, Richard Hanson, James Humphrey, Polly Johnson, LaBonte, Mullin, Arthur Perkins, Doris Riley, Shepard, Stockman and Waters.

ROCKINGHAM: Akerman, Bisbee, Cunningham, Danforth, Davis, Robert Day, Beverly Gage, Goff, Greene, Hoar, King, Laycock, Lovejoy, Joseph McEachern, Nelson, Norton, Parr, Anthony Randall, Sanborn, Scamman, Webster and Wolfson.

STRAFFORD: Appleby, Canney, Donnelly, Bruce French, Hebert, Kincaid, Lefavour, Nadeau, Preston, Dennis Ramsey and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, LeBrun, Lewko, Scott and George Wiggins, and the motion passed.  
Referred to Appropriations.

HB 830, relative to road toll rebates. Inexpedient to Legislate. Rep. James Murray for Transportation.

The Committee feels that the waiver for late road toll rebates suggested by HB 830 can only open the door to confusion and inequities as the Commissioner of Safety tries to determine "just cause" for such a waiver. The present law is adequate.

Rep. Howard moved that the words, Ought to Pass with Amendment be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. James Murray spoke in favor of the motion.

Motion adopted.

Rep. Howard offered an amendment.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Waiver of 6 Month Limitation.  
Amend RSA 265:19, II (a) as amended by striking out said subparagraph and inserting in place thereof the following:

(a) All applications for refunds shall be made under penalties of perjury and shall be filed with the director within 6 months from the date of purchase or invoice of the motor fuel with respect to which refund is claimed. The limitation of 6 months from the date of purchase or invoice of the motor fuel may be waived by the commissioner of safety for just cause for agencies of political subdivisions within the state. Such waiver shall not be granted to any such agency more often than once in 3 years.

2 Effective Date. This act shall take effect upon its passage.

The Assistant clerk read the amendment.

Amendment adopted.

Ordered to third reading.

HB 154, relative to agreements for open listing of real estate. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Constitutional Revision. The committee vote was 12-0. This bill as amended provides additional consumer protection to both the buyer and seller of real estate.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Listing Agreements. Amend RSA 331-A by inserting after section 9 the following new sections:

331-A:10 Listing Agreements.

I. Every contract made by a real state broker or salesman to list real estate for sale, rent or lease shall:

(a) Be reduced to writing and signed by the parties thereto as soon as practicable in light of all the circumstances attending the agreement, but in no event later than the date of closing;

(b) Contain clear and definite provisions indicating the descriptive identification of the property and all terms and conditions of the contract;

(c) Set forth any information known to the broker that may significantly affect the future value of the property;

(d) Show the commission to be paid in percentage figures except for net listings; and

(e) Contain a specific expiration date, not to exceed 6 months from the date of the contract for residential real estate and 18 months for non-residential real estate.

II. If a contract made by a real estate broker or salesman to list real estate for sale, rent or lease is extended

for a specified term, the extension shall be reduced to writing and signed by the parties thereto as soon as practicable in light of all the circumstances attending the extension, but in no event later than the date of closing:

III. Copies of all contracts and extensions executed pursuant to this section shall be placed in the hands of the parties thereto without delay.

331-A:11 Net Listing Agreements. No net listing agreement shall be enforceable unless it is evidenced by a separate document signed by the parties thereto setting forth in detail the terms of the listing in language clearly understandable to a layman unfamiliar with the business of real estate. The document shall contain a statement that the real estate broker knows or has reason to believe that the asking price is not significantly below the current market value of property similar to that being listed, or that the real estate broker has advised the seller that the asking price is significantly below the current market value of property similar to that being listed. The document shall, through the use of illustrative example, clearly set forth the possible adverse financial consequences of entering into such a listing contract.

2 Grounds for Suspension or Revocation. Amend RSA 331-A:7 (supp) as inserted by 1959, 222:1 as amended by striking out said section and inserting in place thereof the following:

331-A:7 Suspension or Revocation of License. Full power to revoke or suspend licenses granted under the provisions of this chapter shall be vested in the commission subject to the provisions of review by the superior court upon reasonable appeal as set forth in this provision. The commission may, upon complaint or upon its own motion, after reasonable notice of the charges in writing and a hearing thereon, revoke the license of any broker or salesman, or suspend such license for such period as may be just upon finding that such licensee has been guilty of any unlawful, dishonest, deceitful or fraudulent conduct in connection with any real estate transaction conducted by a licensed real estate broker or salesman whether acting as a broker or principal, of any prohibited act contained in RSA 331-A:6-b, or of a violation of RSA 331-A:10-11. The commission shall give the licensee at least 14 days' written notice, prior to the date of hearing, of the charges to be heard by it, and shall afford such licensee an opportunity to be heard in person or by counsel in reference thereto. The hearings on such charges shall be at such time and place as the commission shall prescribe. The commission shall have the power to subpoena and bring before it any person or any relevant records or documents in this state or to take testimony by deposition, in the same manner as is prescribed by law in judicial proceedings. Said commission

shall keep a complete stenographic record of its proceedings in such cases. For this purpose the commission is authorized to employ a temporary reporter and fix his compensation and the governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. The commission is authorized to charge the broker or salesman a reasonable fee for any copies of said transcript furnished him. Sheriffs and witnesses shall receive the same fees for the service of process and attendance before the commission as are paid sheriffs and witnesses in matters pending before the superior court. The determinations of the commission shall be in writing and officially signed by the chairman, or acting chairman. The original of such determination, when so signed, shall be filed in the office of the commission and copies thereof shall be mailed to the broker or salesman, addressed to his place of business, and to the complainant, if any, within 2 days after filing thereof. The action of the commission in revoking or suspending a license shall be subject to appeal to the superior court at the instance of the licensee, within 30 days after the filing of the commission's decision. An appeal shall suspend the commission's decision. The appeal shall be tried in the superior court de novo without jury. The superior court may affirm, reverse, or modify the commission's decision, as justice may require.

3 Effective Date. This act shall take effect 60 days after its passage.

Question being on the committee amendment.

Amendment adopted.

Rep. Kashulines moved that the words, Inexpedient to Legislate be substituted for the committee report, Ought to Pass with amendment and spoke to her motion.

Rep. Kenneth Randall explained the committee report.

Rep. Shirley White spoke in favor of the motion.

Reps. Hoar and Currier spoke in favor of the motion.

Rep. Roderick Allen spoke in favor of the committee amendment.

Rep. Bridges moved that HB 154 be laid upon the table.

Adopted.

HB 20, to provide compensation to cities and towns for loss of tax base caused by land classified as open space and making an appropriation therefor. Inexpedient to Legislate. Rep. McLane for Ways and Means.

Rep. Barrus moved that the words, Ought to Pass be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

This bill would have had the state pay some of the tax loss caused by open space classification, at a cost of \$600,000. A well-thought out bill to compensate highly-impacted towns, but the cost cannot be covered.

Rep. McLane spoke against the motion.  
Motion lost.

Resolution adopted.

HB 420, relative to tax exemptions for the elderly. Inexpedient to Legislate.

Rep. McLane for Ways and Means.

Although the intent of this bill is laudable the Committee voted (11-1) Inexpedient to Legislate because the burden would fall on already hard-pressed cities and towns.

Rep. Blake moved that the words, Ought to Pass be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion

Reps. Sara Townsend, Henry Richardson and Rounds spoke in favor of the motion.

Rep. Quimby spoke against the motion.

Rep. Blake requested a roll call.

Sufficiently seconded.

(Speaker presiding)

YEAS 178 NAYS 138

YEAS 178

BELKNAP: Beard, Bowler, Marshall French, Sabbow and Sanders.

CARROLL: Dickinson, Keller and Towle.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Irvin Gordon, Marshala, Matson, Parker, Vrakatitsis and Terry Wiggins.

COOS: Burns, Cooney, Bradley Haynes, Hunt, George Lemire, Poulin, Theriault and Willey.

GRAFTON: Aldrich, Ira Allen, Buckman, Chambers, Clark, Dearborn, Duhaime, Gemmill, Logan, Mann, Neil McIver, Rounds, Snell, Glynetta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ainley, Aubut, Barrett, Bednar, Albert Bellemore, Bernier, Burke, Carswell, Coburn, Mark Connolly, Margaret Cote, Coutermarsh, Crotty, Cullity, Nancy Gagnon, Granger, Sal Grasso, Head, George Healy, Thomas Hynes, Karnis, Lachance, LaPlante, Levesque, Lyons, Madigan, Marcoux, McDonough, Morgan, Morrison, Kerry O'Connor, Orcutt, Pappas, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Henry Richardson, Seamans, Simard, Sing, Soucy, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White and Ziakas.

MERRIMACK: Bibbo, Blakeney, Carroll, John Cate, Chandler, Eugene Daniell, Gamache, Polly Johnson, Plourde, Pratt, Rice, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Trachy, Ernest Vliere, Waters and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, Blake, Blanchette, Carpenito, Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Dunfey, Erler, Felch, Beverly Gage,

Gaskill, Grieco, Hoar, Kane, Kashulines, King, Krasker, Laycock, Joseph MacDonald, Nelson, Parolise, Pucci, Anthony Randall, Richards, Rogers, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Webster, Wojnowski and Wolfesen.

STRAFFORD: Appleby, Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, Joos, Kelly, Kincaid, Meader, Preston, Dennis Ramsey, Torrey and Valley.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Lewko, Sara Townsend and Tucker.

NAYS 138

BELKNAP: Ambrose, Gary Dionne, Lawton, Mansfield, Morin, James Murray, Nighswander and Kenneth Randall.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Chase, Faucher, Fillback, Galloway, Anne Gordon, Hogan, Elmer Johnson, Krause, Moore, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Whipple.

COOS: Fortier, Horton, Huggins, Keough, Oleson, Alcide Valliere, Wiswell and York.

GRAFTON: George Cate, Copenhaver, Cornelius, McAvoy, Pepitone, Stomberg, Taffe and Madeline Townsend.

HILLSBOROUGH: Ahern, Emile Boisvert, Corser, Joseph Cote, Coughlin, Currier, Catherine-Ann Day, William Desmarais, L. Penny Dion, Drewniak, Joseph Eaton, Girolimon, Cort Hansen, Heald, Howard Humphrey, Keefe, Knight, Martin, McLaughlin, Fred Murray, Nemzoff-Berman, Timothy O'Connor, O'Neil, Paradis, Peters, Paul Riley, Edward Smith, Leonard Smith, Van Loan, Wallace, Wallin, M. Arnold Wight and Cecelia Winn.

MERRIMACK: Bellerose, Bodi, Laurent Boucher, Milton Cate, Foley, Richard Hanson, Hess, James Humphrey, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Arthur Perkins, Ralph, Rich, Doris Riley and Doris Thompson.

ROCKINGHAM: Benton, Campbell, Chapman, Collins, Robert Day, Flanagan, Ganley, Gould, Greene, Griffin, Hartford, Lovejoy, Donna McEachern, Joseph McEachern, Niebling, Norton, Parr, Quimby, Schwaner, Skinner, Stratton and Zabarsky.

STRAFFORD: Canney, Donnelly, Horrigan, Jonas, Lefavour, Lessard, Maloomian, Morrisette, Nadeau, Rod O'Connor, Osgood, Ruel, Schreiber, Donald Smith, Tripp, Voll and Shirley White.

SULLIVAN: D'Amante, Scott and Spaulding, and the motion passed.

Ordered to third reading.



HB 169, relative to expanded elderly exemptions. Majority: Inexpedient to Legislate. Rep. McLane for Ways and Means. Minority (Rep. Splaine): Ought to Pass.

Majority: The Committee felt that if it did not provide any helping funds to cities and towns, it should not recommend new burdens, no matter how necessary and worthy. Minority: This bill is local option, and would be adopted by referendum. It provides additional property tax relief for persons over age 65 by eliminating the value of the home from the computations used to figure the "asset" level of \$35,000 in qualifying for exemptions given under the expanded elderly exemption law, which itself is adopted by referendum. It recognizes the increasing values of homes as well as added burdens faced by our senior citizens.

Rep. McLane explained the committee report.

Rep. Splaine moved that the words, Ought to Pass be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Wallin, Quimby and Eugene Daniell spoke against the motion.

Rep. Charles Grassie spoke in favor of the motion.

Rep. Splaine requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 79 NAYS 250  
YEAS 79

BELKNAP: Hildreth.

CARROLL: Roderick Allen, Dickinson, Kenneth MacDonald and Towle.

CHESHIRE: Dostilio, Irvin Gordon, Proctor, Russell and Terry Wiggin.

COOS: Cooney, Hunt, Theriault and Neila Woodward.

GRAFTON: Buckman, Chambers, Clark, Copenhaver and Neil McIver.

HILLSBOROUGH: Aubut, Albert Bellemore, Bernier, Emile Boisvert, Bosse, Corser, Coutermarsh, Crotty, Cullity, Currier, William Desmarais, Gabrielle Gagnon, Nancy Gagnon, Sal Grasso, Kaklamanos, Lachance, LaPlante, Madigan, Marcoux, McGlynn, Morrison, Orcutt, Seamans, Edward Smith, Spirou, Francis Sullivan and James J. White.

MERRIMACK: Bodi, Carroll, Mullin, Plourde, Pratt, Stefanides and Ernest Valliere.

ROCKINGHAM: Blake, Carpenito, Collins, Dunfey, Ganley, Kane, Kashulines, Krasker, Laycock, Joseph MacDonald, Parolise, Alfreda Smith, Splaine, Vlack and Webster.

STRAFFORD: Appleby, Burchell, Charles Grassie, Dianne Herchek, Kelly, Kincaid and Dennis Ramsey.

SULLIVAN: Brodeur, Gray, Ingram and Lewko.

#### NAYS 250

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Lawton, Mansfield, Morin, James Murray, Nighswander, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Howard, Keller and Kenneth Smith.

CHESHIRE: Callahan, Chase, Close, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Hogan, Elmer Johnson, Krause, Marshala, Matson, Moore, Parker, Margaret Ramsay, Scranton, Slack, Terry, Vrakatitsis and Whipple.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Keough, George Lemire, Oleson, Poulin, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Cornelius, Dearborn, Duhaime, Gemmill, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Barrett, Bednar, Belanger, Bridges, Brody, Burke, Carswell, Coburn, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Catherine Ann Day, Arline Dion, L. Penny Dion, Drenniak, Clyde Eaton, Joseph Eaton, Girolimon, Granger, Cort Hansen, Head, Heald, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Armand Lemire, Levesque, Lyons, Martin, McDonough, McLaughlin, Morgan, Fred Murray, Nemzoff-Berman, Kerry O'Connor, Timothy O'Connor, O'Neil, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Sirmard, Sing, Leonard Smith, Soucy, St. George, Stahl, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, LaBonte, Donna MacIvor, McLane, McNichol, Packard, Arthur Perkins, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Waters and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, Blanchette, Campbell, Chapman, Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, King,



Lovejoy, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parr, Pucci, Quimby, Richards, Rogers, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Helen Wilson, Wojnowski, Wolfson and Zabarsky.

STRAFFORD: Canney, Donnelly, Bruce French, Hebert, Horrigan, Joncas, Joos, Lefavour, Lessard, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, D'Amante, Desnoyer, LeBrun, Scott, Spaulding, Sara Townsend and Tucker, and the motion lost.

Resolution adopted.

HB 36, providing for state reimbursement to cities and towns for certain exemptions upon residential real estate and making an appropriation therefor. Majority: Inexpedient to Legislate. Rep. McLane for Ways and Means. Minority: (Rep. Splaine): Ought to Pass.

Majority: Once again the Committee voted inexpedient to legislate (11-1) on a good bill because it recognized the fiscal problems of the state and could not support a bill calling for an appropriation of 2-1/2 million dollars.

Minority: The intent and purpose of this bill is excellent, and should be referred to the Appropriations Committee in the event that partial or full funding may be possible. When the state mandates exemptions, the state should recognize a responsibility to provide some funding.

Rep. Splaine moved that the Minority report, Ought to Pass, be substituted for the Majority report, Inexpedient to Legislate, and spoke to his motion.

Rep. Barrus spoke in favor of the motion.

Rep. Quimby spoke against the motion.

Rep. Splaine requested a roll call, withdrew his request and requested a division.

The Speaker appointed Reps. Milton Cate, Spirou, Joseph Eaton, Richard Hanson and Marshall French as tellers.

Being manifestly in the negative, the motion lost.

Resolution adopted.

#### SUSPENSION OF RULES

Rep. Marshall French moved that the rules be so far suspended as to permit the consideration without the required two days notice in the calendar of HB 617, relative to the free enterprise system and the sale of wine, and HB 556, authorizing certain stores to sell table wine, at the present time, and spoke to his motion.

Rep. Coutermarsh spoke in favor of the motion.

A roll call was requested, withdrawn and a division was requested.

The Speaker appointed Reps. Milton Cate, Spirou, Joseph Eaton, Richard Hanson and Marshall French as tellers.

Being manifestly in the affirmative, the motion was adopted by the necessary two-thirds.

#### COMMITTEE REPORTS

HB 556, authorizing certain stores to sell table wine. Ought to Pass with Amendment. Rep. Cunningham for Regulated Revenues.

As amended, this bill allows sale of wine in stores. Can be sold same hours as now regulated for beer.

Allows multi licenses for sale of wine in chain stores but still retains same limit for licenses to sell beer in chain stores. Also carries an appropriation of \$215,000 for 1978 and \$215,000 for 1979. Projected revenue is \$846,250 for 1978 and \$1,116,250 for 1979.

#### Amendment

Amend RSA 178:2-e as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

178:2-e Off Sale License for Table Wine. Off sale licenses shall be issued only for grocery and drug stores as defined in RSA 181:1 not holding an on-sale permit or license. Such licenses shall authorize the licensee, under conditions and terms established by the commission, to sell table wines as defined by the provisions of RSA 178:2-b, for consumption only off the premises designated in the license and not to other licensees for resale. Such sales shall be made only in the immediate container in which the wine was received by the off-sale licensee and all wines sold under the provisions of this section shall be purchased from the commission on forms provided by said commission. The sales price of such wines shall not be lower than comparable prices in state stores. Sales may be made by any licensee the same hours as established by the commission for the sale of beer. The fee of this off-sale license shall be \$100 per year and the commission may suspend or revoke said off-sale license together with any other permits or licenses issued by the commission to the licensee for violations noted in the sale of alcoholic beverages on the premises.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriation. The sum of \$215,000 is hereby appropriated for the fiscal year ending June 30, 1978 and \$215,000 for fiscal year ending June 30, 1979, to the state liquor commission to implement the provisions of section 1 of this act. This appropriation is in addition to any other appropriation for the state liquor commission. The governor is authorized to draw his warrant for said sums out of any

money in the treasury not otherwise appropriated.

Amendment adopted.

Rep. Coutermarsh offered an amendment.

#### Amendment

Amend RSA 178:2-e as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

178:2-e Off Sale License for Table Wine. Off sale licenses shall be issued only for grocery and drug stores as defined in RSA 181:1 not holding an on-sale permit or license. No licensee shall hold more than 2 licenses under this section at any one time. Such licenses shall authorize the licensee, under conditions and terms established by the commission, to sell table wines as defined by the provisions of RSA 178:2-b, for consumption only off the premises designated in the license and not to other licensees for resale. Such sales shall be made only in the immediate container in which the wine was received by the off-sale licensee and all wines sold under the provisions of this section shall be purchased from the commission on forms provided by said commission. The sales price of such wines shall not be lower than comparable prices in state stores. Sales may be made by any licensee the same hours as established by the commission for the sale of beer. The fee of this off-sale license shall be \$100 per year and the commission may suspend or revoke said off-sale license together with any other permits or licenses issued by the commission to the licensee for violations noted in the sale of alcoholic beverages on the premises.

The Clerk read the amendment.

Reps. Coutermarsh, Wallin, Plourde, Blanchette, Sara Townsend, Lyons, Hildreth, Kenneth Smith, Timothy O'Connor, Daniel Eaton, Lawton, Bridges, Marshall French and D'Amante spoke in favor of the amendment.

Reps. Erler and Tucker spoke against the amendment.

Rep. Cunningham moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Daniel Eaton, Hebert and Nardi abstained from voting under Rule 16.

(Speaker presiding)

YEAS 287 NAYS 56

YEAS 287

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Lawton, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald and Keneth Smith.

CESHIRE: Callahan, Chase, Close, Faucher, Fillback, Galloway, Irvin Gordon, Hogan, Krause, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Slack, Terry, Vrakatitsis, Whipple and Terry L. Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Patenaude,, Poulin, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Chambers, Copenhaver, Cornelius, Dearborn, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Barrett, Bednar, Belanger, Emile Boisvert, Bosse, Bridges, Brody, Burke, Carswell, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Dreniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Knight, Lachance, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Martin, McDonough, McLaughlin, Morgan, Morrison, Fred Murray, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, Stahl, Stylianos, Kevin Sullivan, Sweeney, Van Loan, Wallin, Geraldine Watson, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Arthur Perkins, Plourde, Pratt, Ralph, Rice, Doris Riley, Shepard, Gerald Smith,, Stockman, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, Blanchette, Carpenito, Chapman, Collins, Connors, Cotton, Cummings, Cunningham, Davis, Robert Day, Dunfey, Felch, Goff, Gould, Greene, Grieco, Hoar, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Joseph McEachern, Nelson, Parr, Quimby, Anthony Randall, Richards, Rogers, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Donnelly, Charles Crassie, Horrigan, Joncas, Joos, Kelly, Lefavour, Lessard, Maloomian, Meader,

Nadeau, Roderick O'Connor, Osgood, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, D'Amante, Gray, Ingram, Lewko, Palmer, Scott and Sara Townsend.

NAYS 56

BELKNAP: None.

CARROLL: Towle.

CHESHIRE: Dostilio, Anne Gordon and Elmer Johnson.

COOS: Huggins, Keough, Oleson and Mabel Richardson.

GRAFTON: George Cate, Clark, Neil McIver, Stomberg and Madeline Townsend.

HILLSBOROUGH: Bernier, Wilfrid Boisvert, Coburn, Joseph Cote, George Healy, McGlynn, Nemzoff-Berman, St. George, Sing, Spirou, Harold Thomson, Wallace, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayres, John Cate, Stefanides, and Tarr.

ROCKINGHAM: Blake, Campbell, Danforth, Erlar, Flanagan, Beverly Gage, Ganley, Gaskill, Griffin, Donna McEachern, Parolise and Vlack.

STRAFFORD: Appleby, Bruce French, Kincaid, Morrisette, Dennis Ramsey and Tripp.

SULLIVAN: Desnoyer, LeBrun, Spaulding and Tucker, and the amendment was adopted.

Rep. Eugene Daniell spoke against the committee report.

Committee report adopted.

Referred to Appropriations.

Reps. Spaulding and Carl Gage wished to be recorded against HB 556.

Rep. Bellerose wished to be recorded in favor of the Coutermarsh amendment.

HB 617, relative to the free enterprise system and the sale of wine. Inexpedient to Legislate. Rep. Cunningham for Regulated Revenues.

The Committee was unanimous in voting this bill as inexpedient to legislate. Overwhelming testimony of small grocers were opposed to multi licensing and minimum pricing feature. Committee voted in favor of HB 556 with amendment. Resolution adopted.

#### RECONSIDERATION

Rep. Mann moved that the House reconsider its action whereby it killed HB 975, relative to mandatory installation of smoke detectors in structures for occupation built after 1978.

Reps. Goff, Giroliman, Richard Hanson, Milton Cate and Marshall French spoke in favor of the motion.

Rep. Lyons moved the previous question. Sufficiently seconded. Adopted. Reconsideration passed.

Rep. Marshall French moved that HB 975, relative to mandatory installation of smoke detectors in structures for occupation built after 1978, be made a Special Order for Thursday, May 5. Adopted.

#### RECONSIDERATION

Rep. Marshall French moved that the House reconsider its action whereby it killed HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor.

Reconsideration passed.

Rep. Marshall French moved that HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor, be made a Special Order for Thursday, May 5.

Adopted.

The Speaker rescinded the referral of HB 854, authorizing the director of the division of motor vehicles or his agents to examine vehicles in certain locations, and HB 832, amending certain time limits under the uniform motor vehicle certificate of title law, to Appropriations.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 5 at 9:30 a.m.

Adopted.

#### LATE SESSION

Third reading and final passage HB 826, establishing a primary for Rochester city elections.

HB 845, revising the access to public records law (RSA 91-A).

HB 93, relative to the licensing of electrologists.

HB 205, relative to claims for damages against motor transport companies.

HB 207, relative to hunting with a bow and arrow.

HB 218, renaming the bureau of off-highway recreational vehicles and establishing an additional responsibility for the bureau.

HB 250, relative to providing workmen's compensation coverage for certain search and rescue operation volunteers.

HB 371, relative to the use of highway relocation funds.

HB 409, changing the name of RSA 483-A and specifying that certain penalties



relative to state waters apply to all violators.

HB 410, relative to the competency of persons applying for a hunting license for the first time.

HB 448, relative to retirement benefits for judicial referees.

HB 505, relative to parking facilities at Hampton Beach and making an appropriation therefor.

HB 525, authorizing a transfer of funds between two projects in the 1975 capital budget.

HB 550, relative to agreements with veterinary medical schools to provide education to qualified New Hampshire residents.

HB 555, creating a state historical records advisory board and making an appropriation therefor.

HB 717, relative to loan pay-back requirements for resident veterinary medical students.

HB 861, relative to the regulation of odometers.

HB 867, requiring telephone companies to list the names of both husbands and wives in their directories.

HB 982, relative to reciprocity in dentists licenses.

HB 993, relative to the regulation of the sale of variable contracts.

HB 961, relative to the legitimation of children born out of wedlock.

HB 995, relating to the disposition of personalty in police department property rooms.

HB 999, relative to joint authority of public officers.

HB 1004, extending waiver time for participation in the school lunch program.

HB 803, relative to insuring the proper disclosure of information from vital records.

HB 1134, making the person chargeable by law for a child's support and necessities primarily liable for the expenses of a neglected or delinquent child or person.

HB 814, amending the eminent domain procedure act.

HB 931, relative to the ability of a defendant to pay a judgment.

HB 1139, relative to the judicial budget procedure.

HB 1141, establishing a New Hampshire right to privacy act.

HB 572, relative to the custody of moneys raised for or received by various agencies of municipal government and the timely deposit of funds paid to town treasurers.

HB 900, authorizing cities and towns to discontinue public highways subject to existing utility easements.

HB 902, to specify criteria to be used by the board of taxation in reassessments of municipalities.

HB 968, eliminating the 5 year requirement for reassessment of property held by a municipality for water supply or flood control purposes.

HB 1060, legalizing certain action taken by the town meeting in the town of Durham.

HB 1149, relative to the preparation of a town budget under the municipal budget act and budgets for counties, school districts and village districts.

HB 1163, legalizing the 1977 annual town meeting of the town of Exeter.

HB 950, relative to defining service territories for electric utilities.

HB 1173, relative to cemeteries.

HB 809, relative to staff requirements for the bureau of certificate of title in the division of motor vehicles of the department of safety.

HB 830, relative to road toll rebates.

HB 939, authorizing the director of the division of motor vehicles to issue a 5 day permit for a motor vehicle, trailer, semi-trailer or tractor.

HB 627, prohibiting certain advertising and expenditures by electric and gas utilities.

HB 913, relative to probation reports.

HB 1127, relative to terms of certain gubernatorial appointees.

HB 1026, relative to lead paint poisoning in dwellings.

HB 1029, adding exceptions to the licensing of child caring and child placing agencies.

HB 1130, relative to the dispensation of controlled drugs.

HB 498, relative to the state's burden of proof in recomittal hearings for the criminally insane.

HB 1137, relative to capital punishment.

HB 886, permitting the reduction of an employer's or employee's insurance carrier's lien under the workmen's compensation law in certain cases.

HB 1045, relative to the display of wheelchair symbol to indicate buildings accessible to handicapped and elderly persons.

HB 702, relative to vicious dogs or dogs as a nuisance.

HB 824, providing for tax increment financing for redevelopment projects.

HB 877, relative to the filling of vacancies on the Laconia school board.

HB 914, providing for a voter petition to amend subdivision regulations in a town.

HB 1063, relative to appropriations of governmental units by warrant articles.

HB 1166, relative to establishment of contractor's bid depository system by the commissioner of public works and highways.

HB 1084, regulating motor vehicle and motorcycle sound emission levels.

HB 522, increasing the fee for initial number plates from \$5 to \$10.

HB 832, amending certain time limits under the uniform motor vehicle certificate of title law.

HB 854, authorizing the director of the division of motor vehicles or his agents to examine vehicles in certain locations.

HB 420, relative to tax exemptions for the elderly.

HB 872, exempting christmas trees and related forest products from the timber tax law.



Reps. Marshall French and Plourde  
moved that the House adjourn.  
Adopted.

The House adjourned at 6:40 p.m.

343 members were recorded as present.

# HOUSE JOURNAL 34

Thursday, 5 May77

The House met at 9:30 a.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Good Morning God. I want to take time to say to you this morning, something I've neglected lately - Thank You, Lord, thank You. Thank You for all the gifts that You have given us today. Thank You for all we have seen, heard, received. Thank you for the water that woke us up, the soap that smells good, the clothes that protect us, the newspaper so faithfully there, for justice done and for big games won. Thank You for the early morning sounds, the vehicles that brought us here, for shop windows, for the food that sustains us for that first cup of coffee, for the taste of the spring air, the trees that nodded to us on our way, showing off their new spring clothes, thank You for the children we saw on their way to school, for the morning greetings, for that warm smile, thank You for the time You have given us, thank You for life, thank You for being here Lord, thank You for listening to us, for taking us seriously, for gathering our gifts in Your hands and making more of them than we ever dreamed. Thank You, Lord, thank You. Amen.

Rep. Chandler led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Belhumeur, Forsaith Daniels, Burrows, William Boucher, Ladd, Emile Boisvert, Lamy and Appel, the day, illness.

Reps. Record, Lucas, Alter, Lynch, Roland Boucher, Chase, Miller, Goyette, Hogan, Spiro and Slack, the day, important business.

## INTRODUCTION OF GUESTS

Mrs. Dean Clough, Mrs. Virginia Lay and Mrs. Kathleen Keazer, sisters and guests of Rep. Wiswell.

## COMMITTEE REPORTS (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 431, 548, 549, 560, 1150, 726, 765, 808, 932, 1096, 1098 and HBIs 2002, 2013 and 2043, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 388, 434, 456, 644, 782, 825, 1064, 1072, 1162, 964, 1095, 1178 and 1181, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HBs 299, 305, 728, 620, 898, 926, 1153, 1155, 326, 494, 786, 1094 and 1097, and further moved that the House adopt the committee recommendation of

Refer to Interim Study committees by the appropriate standing committees on HBs 1152, 1099, 485 and 806, and further moved that the House adopt the committee recommendation of Recommended but Unfunded on HBs 514 and 521.

HBs 1152, 431, 514, 548, 560, 620, 825, 1072, 1162, 726, 1178, 1096, 1099 and 549 and HBI 2002 were withdrawn from the Consent Calendar at the request of various members.

Adopted.

HB 1150, establishing a 6 year term of office for Carroll county commissioners. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

This would cause many problems in Carroll County that could not be justified.

HB 765, providing a penalty for failure to submit to a weighing of a suspected overloaded motor vehicle. Inexpedient to Legislate. Rep. James Murray for Transportation.

The committee feels that until all the permanent weighing stations, that the public has in good faith paid for, are in constant daily operation, they cannot submit truck drivers to the arbitrary weighing on portable scales that this bill would entail. This, the committee feels, is a waste of the public's money.

HB 808, providing for the suspension or revocation of dealer transporter or utility registration privileges for violation of certain provisions of the certificate of title law. Inexpedient to Legislate. Rep. James Murray for Transportation.

The committee feels that there are many problems with interpreting and enforcing the law proposed by this bill. In addition, there are very few violators of the present dealer to division of motor vehicle 10 day mailing limit. For these reasons, the committee feels this legislation would be inappropriate.

HB 932, relative to the registration of motor vehicles owned or operated by governmental units, volunteer fire departments and educational institutions. Inexpedient to Legislate. Rep. James Murray for Transportation.

HB 932's effect is deceptive. By merely changing the word "and" to the word "or" in RSA 262:13 this bill exempts many more vehicles from paying registration fees. The committee feels that this bill's passage would be inappropriate when the state is in such a fiscal crunch.

HB 1098, redefining certain terms in the motor vehicle laws. Inexpedient to Legislate. Rep. James Murray for Transportation.

The committee feels that the exemption of dealers in fire engines and ambulances of the 1,200 minimum square foot housing requirement is inconsistent and unnecessary at this time.

HBI 2013, Relating to abandoned railroad tracks and their effect on the motor vehicle laws. Inexpedient to Legislate. Rep. James Murray for Transportation.

After investigating the statutes, the committee found that the problems covered in this bill are already addressed sufficiently by the Public Utilities Commission.

HBI 2043, Relating to the establishment of a department of transportation. Inexpedient to Legislate. Rep. James Murray for Transportation.

The committee feels that the present system of transportation control in the state is adequate and the establishment of a department of transportation would create a needless bureaucracy.

HB 388, relative to the monthly rate for the care, treatment, maintenance and training of any resident of the Laconia state school and training center. Ought to Pass. Rep. Tucker for Appropriations.

Sets up reasonable costs for services rendered in compliance with ICF regulations.

HB 434, relative to certification of shared homes for adults. Ought to Pass. Rep. Tucker for Appropriations.

Allows for inspection of entire dwelling and certification of shared homes.

HB 456, providing for the preparation of an election procedure manual and making an appropriation therefor. Ought to Pass. Rep. Tucker for Appropriations.

This will permit the Secretary of State to prepare and distribute an elections procedure manual that will be in layman's language. It will be a great service to all town and city election personnel.

HB 644, relative to the definition of subdivision under the planning laws. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

This gives planning boards some supervision over condominiums.

HB 782, relative to effective dates for laws which have a municipal fiscal impact. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

Gives cities and towns time to budget for laws with a fiscal impact.

HB 1064, relative to listing all exemptions on the annual inventory form. Ought to Pass. Rep. LaBonte for Municipal and County Government.

To assist the assessing officials. Requested by Department of Revenue Administration.

HB 964, relative to a motor vehicle franchisor's responsibilities for warranties. Ought to Pass. Rep. James Murray for Transportation.

The committee believes that a motor vehicle manufacturer should be directly responsible for his product. In this same vein, it believes that a motor vehicle manufacturer should be more directly responsible to the consumer for warranty work. HB 964 provides for this responsibility, relieving car dealers from being held responsible for problems they did not create. This will, the committee feels, greatly aid the consumer.

HB 1095, relative to certificates for common carriers. Ought to Pass. Rep. James Murray for Transportation.

Of all the businesses licensed in New Hampshire, such as doctors, lawyers, dentists or truckers, only truckers have to prove necessity and convenience in order to operate in an area. HB 1095, even though it keeps the truckers under the rules and regulations of the Public Utilities Commission, it removes the requirement that truckers prove necessity and convenience to operate in an area. The committee feels this will reinstate free enterprise to the trucking industry.

HB 1181, relative to prorating motor vehicle permit fees. Ought to Pass. Rep. James Murray for Transportation.

There have been some inequities in the state's charging of registration fees since adoption of the staggered system. This prorating of registration fees prevents people in certain instances from being grossly overcharged when they register.

HB 299, to provide New Hampshire home for the elderly classified employees a differential pay increase. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Picks up employees of N.H.H.E. under RSA 99:11 who were inadvertently omitted in 1974. Funding will be handled in the budget.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect June 17, 1977.

HB 305, reclassifying certain positions at Laconia state school and training center and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Begins reorganization of professional staff at Laconia State School and Training Center. Funding will be handled within the budget.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

reclassifying certain positions at Laconia state school.

Amend RSA 125-A:30-a, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The superintendent of the Laconia state school and training center shall appoint 4 qualified persons to serve in the position of senior physician/psychiatrist/dentists. They shall serve at his pleasure and perform such duties as the superintendent shall assign. Their salaries shall be as prescribed in RSA 94:1-a.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Effective Date. This act shall take effect June 17, 1977.

HB 728, permitting a creditor to telephone a debtor at his place of employment twice a month under certain conditions. Ought to Pass with Amendment. Rep. Aller for Judiciary.

This bill raises the number of permitted calls from one to two. The Committee feels that the bill, as amended, will help alleviate the problem faced by creditors. At the same time, it continues to protect the debtor from undue harassment.

#### Amendment

Amend RSA 358-C:3, I, (c) (2), as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(2) a debt collector may phone the debtor at his place of employment if he has been unable to contact the debtor at his residence, provided that;

A. the debtor or his employer does not inform the debt collector that he does not wish the debt collector to communicate or attempt to communicate with the debtor at his place of employment;

B. the debt collector shall not inform the employer of the debtor of the nature of the call unless asked by the employer; and

C. in no event shall the debt collector make more than 2 phone calls per month to the debtor at his place of employment unless the debtor affirmatively indicates in writing that he desires the

debt collector to call him at his place of employment; provided, however, that a phone call which does not result in a conversation between the debt collector and debtor shall not be deemed to be a "phone call" within the meaning of this subparagraph, but nothing contained herein shall permit the debt collector to make repeated attempts to contact the debtor at his place of employment for purposes of harassment. (For the purposes of this subparagraph, any language in any instrument creating the debt which purports to authorize phone calls at the debtor's place of employment shall not be considered an affirmative indication that the debtor desires the debt collector to call him at his place of employment.); or

HB 898, relative to amending provisions of the Nashua City Charter. Ought to Pass with Amendment. Rep. Mann for Municipal and County Government.

This is local referendum for Nashua.

#### Amendment

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Elective Officers. Amend 1913, 427: part 1 section 89 by striking out said section and inserting in place thereof the following:

89 Any holder of an elected office may be recalled and removed therefrom by the qualified voters as herein provided.

3 Referendum. At the municipal election to be held in the city of Nashua in November, 1977, the city clerk then in office shall cause to be included on the ballot then used the following question: "Are you in favor of adopting the provisions of an act passed by the 1977 General Court which amends the Nashua city charter by changing the time set for administering the oath of office to elected officials and permitting the recall or removal of any elected official by the qualified voters of Nashua?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared to have been adopted. The city clerk of the city of Nashua shall, within 10 days after said election, certify to the secretary of state the result of the vote on this question.

4 Effective Date. Section 3 of this act shall take effect upon its passage and if the act is adopted as provided in said section, the remainder of the act shall take effect as provided therein.

HB 926, amending the town charter of Hanover allowing selectmen to establish one or more parking districts. Ought to Pass with Amendment. Rep. Mann for Municipal and County Government.

This will permit Hanover to handle its own regulations as to parking.



## Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Referendum. This act shall not take effect unless it is adopted by a majority vote of those present and voting at any regular or special meeting of the voters of the town of Hanover to be held within 2 years after the passage of this act. The clerk of the town of Hanover shall cause to be printed at the bottom of the ballot to be prepared for this occasion, the following question; "Are you as a voter of the town of Hanover in favor of amending Hanover's charter to provide for the establishment of a special parking district or districts?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. If the majority of those voting at said election vote in the affirmative on this question, this act shall be declared to have been adopted. The town clerk shall within 10 days of said election certify to the secretary of state the result of the vote on the above question.

HB 1153, relative to reporting audit findings in summary form. Ought to Pass with Amendment. Rep. Packard for Municipal and County Government.

Sets requirements for audits conducted by the commissioner of revenue administration and independent public accountants for municipalities.

## Amendment

Amend RSA 71-A:19, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Every audit made by the commissioner of revenue administration and independent public accountants licensed under RSA 309-A:8, except examinations, for special limited purposes, shall cover the accounts and records of all officials responsible for the receipt, custody and disbursement of public funds. The audit reports required of public accountants under paragraph II shall include a summary of findings and recommendations regarding compliance with applicable statutory provisions of law, and the adequacy of accounting and business procedures pursued by the unit of government examined. Management letters, so-called, shall be included as part of the official audit findings and recommendations. Contracts executed between local units of government and counties and independent public accountants shall stipulate that all accounts and funds of the governmental unit are to be audited and a report of audit prepared in accordance with this section. At the conclusion of the audit, the independent public accountant shall submit a copy of any audit report directly to the commissioner of revenue administration for review and approval as

to format only. A written or printed report of every completed audit shall be made to the proper local officials including a summary of the findings and recommendations of the auditors and a copy of such summary shall be published in the next annual report following the fiscal year in which the audit was completed.

HB 1155, relative to the conveyance of property acquired by a town or city at a tax sale. Ought to Pass with Amendment. Rep. Packard for Municipal and County Government.

Spells out the rights of the town on tax acquired property.

## Amendment

Amend RSA 80:42 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

80:42 Transfer of Tax Lien; Sale of Property Taken in Default of Redemption.

I. No transfer of any tax lien upon real estate acquired by a town or city at a tax collector's sale for non-payment of taxes thereon shall be made to any person by the municipality during the 2 year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption from a tax sale be conveyed to any person unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

II. If the selectmen or mayor are so authorized to convey such property by deed, either a public auction shall be held, or the property may be sold by advertised sealed bids. The selectmen or mayor shall have the power to establish a minimum amount for which the property is to be sold and the terms and conditions of the sale. However, under no circumstances, shall the amount received by the town or city be less than the current equalized assessed value of the property, plus costs, interest, penalty and the value of any improvements made to the property while deeded to the town.

III. Under extenuating circumstances, the selectmen may, by a specific article in the town warrant, be authorized to dispose of a lien or tax deeded property in a manner than otherwise provided in this section, as justice may require. Such authority to transfer or to sell shall continue in effect for one year from the date of the town meeting or action by the city council unless otherwise provided.

HB 326, adopting the provisions of the uniform vehicle code pertaining to the operation of emergency vehicles. Ought to Pass with Amendment. Rep. James Murray for Transportation.

HB 326 defines specifically the available procedures to be used by drivers of emergency vehicles when in the line of duty. The committee hopes

the passage of this bill will make emergency vehicle travel safer and more efficient, thereby aiding the citizens of New Hampshire in need of emergency service.

#### Amendment

Amend RSA 262-A:7 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

III-a. Any person engaged in part time law enforcement and who uses his own vehicle shall not display operating emergency lights when not on duty.

HB 494, establishing a staggered registration system for motor vehicles and changing registration and municipal permit fees. Ought to Pass with Amendment. Rep. Packard for Transportation.

In order to facilitate the processing of motor vehicle registrations, HB 494 proposes a staggered registration system. A similar change in the passenger car registration date from March 31 to the date of the vehicle owner's birthday has proved convenient and successful. This bill's passage should make it easier for all our citizens to register their motor vehicles.

#### Amendment

Amend RSA 260:11, I as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

I. The registration of every motor vehicle, trailer, semi-trailer or tractor, registered in the name of a corporation, partnership or other legal entity other than a private individual or private individuals, shall expire at midnight on a date chosen by the corporate officers, partners or the management of the business, said date shall be irrevocable.

Amend RSA 262:1, I (k) as inserted by section 5 of the bill by striking out said subparagraph and relettering subparagraphs l, m, n, o, p, q, r, s, t, u, v, w, and x to read as follows:

k, l, m, n, o, p, q, r, s, t, u, v, and w respectively

Amend RSA 262:1, I (q) as relettered and inserted by section 5 of the bill by striking out said subparagraph and inserting in place thereof the following:

(q) For equipment mounted on trucks of which the equipment is an integral part of the unit, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (p).

Referred to Appropriations.

HB 786, relative to defective equipment tags. Ought to Pass with Amendment. Rep. James Murray for Transportation.

HB 786 clarifies the existing statute which covers defective equipment tags making it easier for our citizens to understand.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Defective Equipment Tag. Amend RSA 260:14-b (supp) as inserted by 1975, 167:1 by inserting in line 5 after the word "tag" the following (If an owner receives a defective equipment tag under this section and repairs the defect for which the tag was issued within 72 hours of its issuance he shall not be charged with a violation) so that said section as amended shall read as follows:

260:14-b Repair of Defective Equipment. If a so-called defective equipment tag is issued for a motor vehicle under the authority of RSA 260:14, such tag shall provide a minimum period of 72 hours in which the owner of such vehicle is required to repair the defect specified in said tag. If an owner receives a defective equipment tag under this section and repairs the defect for which the tag was issued within 72 hours of its issuance he shall not be charged with a violation.

HB 1094, relative to the operation of state weigh stations. Ought to Pass with Amendment. Rep. James Murray for Transportation.

This bill is very simple. A few years ago the people paid for the construction of truck weigh stations in Windham and Lebanon. Since that time these stations have been rarely operated. This bill requires that they be operated 40 hours a week to give the people the service they have paid for.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Operation of Weigh Stations. Amend RSA 263:61 by inserting after paragraph XIV the following new paragraph:

XV. The department of safety shall operate the platform fixed scales at the weigh stations located in Windham and Lebanon. Such weigh stations shall be staffed and operated 40 hours per week. The specific hours of operation and staffing shall be determined by the commissioner of safety or his designee.

HB 1097, permitting the use of a citizen band radio or other radio-telephone equipment while operating a motor vehicle upon a public way. Ought to Pass with Amendment. Rep. James Murray for Transportation.

The committee feels that the great aid citizens band radios have been in saving and informing our citizens justified the permitting of their use on our highways.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

permitting the use of certain radio -  
type equipment while operating a  
motor vehicle upon a  
public way.

Amend the bill by striking out section  
1 and inserting in place thereof the  
following:

1 Radio-Type Equipment. Amend RSA  
262-A by inserting after section 84 the  
following new section:

262-A:85 Use of Amateur or Citizen  
Band Radio. Notwithstanding any other  
provision of law, it shall not be unlawful  
for any person to use an amateur or  
citizen band radio, radio telephone, radio  
telegraph equipment or any other  
electronic receiving device while  
operating a motor vehicle upon a public  
way as defined by RSA 262-A:84.

HB 485, providing a fair and equitable  
means of taxing certain boats and  
collecting the tax revenue for the cities  
and towns. Refer to the Committee on  
Transportation for Interim Study. Rep.  
James Murray for Transportation.

Taxation of boats and establishing a  
system to do so is a very complex  
problem. The committee feels it is  
complex enough to demand much indepth  
study and therefore wishes to refer  
this bill to interim study.

HB 806, defining the terms "new  
vehicle" and "used vehicle" in the uniform  
motor vehicle certificate of title and  
anti-theft act. Refer to the Committee on  
Transportation for Interim Study. Rep.  
James Murray for Transportation.

The committee in investigating the  
definitions of the terms "new vehicle"  
and "used vehicle" have seen that the  
implications of such definitions are  
far reaching. For this reason the  
committee feels it deserves further  
study.

HB 521, continuing programs for the  
arts commission and making an  
appropriation therefor. Recommended but  
to be laid on table because unfunded.  
Rep. Tucker for Appropriations.

This is an extremely worthwhile  
program for the State. It provides  
attractions for the tourists who come  
to our state as well as generating  
considerable income.

Rep. Marshall French moved that debate  
be limited to thirty minutes equally  
divided on all bills.

Rep. George Wiggins spoke against the  
motion.

Rep. Wiswell spoke to the motion.  
Adopted.

Rep. George Wiggins requested a call  
of the House.

Adopted.

Rep. Marshall French moved that the  
call of the House be rescinded.

Adopted.

The Speaker called for the Special  
Orders.

HB 975, relative to mandatory  
installation of smoke detectors in  
structures for occupation built after 1978.  
Inexpedient to Legislate.

Too mandatory.

Rep. Mann moved that the words, Ought  
to Pass with Amendment, be substituted for  
the committee report, Inexpedient to  
Legislate, and spoke to his motion.

Reps. Krause, Stefanides, Callahan,  
Sing, LaMott, Girolimon, Frizzell and  
Richard Hanson spoke in favor of the  
motion.

Reps. Howard and Sara Townsend spoke  
against the motion.

Rep. Gemmill moved the previous  
question. Sufficiently seconded. Adopted.

A roll call was requested.  
Sufficiently seconded.

Reps. Edward Smith and McLaughlin  
abstained from voting under Rule 16.

(Speaker presiding)

YEAS 217 NAYS 64

YEAS 217

BELKNAP: Ambrose, Beard, Bowler, Gary  
Dionne, Marshall French, Hildreth,  
Mansfield, Marsh, Nighswander and Sanders.

CARROLL: Claflin, Keller, Kenneth  
MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Daniel Eaton,  
Fillback, Galloway, Irvin Gordon, Elmer  
Johnson, Krause, Marshala, Matson,  
Proctor, Russell, Scranton, Terry,  
Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Fortier, Bradley Haynes,  
Horton, Huggins, Hunt, Keough, Patenaude,  
Poulin, Mabel Richardson, Theriault,  
Alcide Valliere, Wiswell and Neila  
Woodward.

GRAFTON: Buckman, George Cate, Chambers,  
Clark, Crory, Dearborn, Myrl Eaton,  
Gemmill, LaMott, Logan, Mann, McAvoy, Neil  
McIver, Pepitone, Rounds, Snell, Stomberg,  
Taffe, Taylor and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Belanger,  
Wilfrid Boisvert, Brack, Burke, Carswell,  
Margaret Cote, Coutermarsh, Cullity,  
Currier, Catherine-Ann Day, L. Penny Dion,  
Clyde Eaton, Nancy Gagnon, Girolimon, Cort  
Hansen, Head, Howard Humphrey, Thomas  
Hynes, Kaklamanos, Karnis, Keefe, Knight,  
LaFleur, LaPlante, Levesque, Lyons,  
McGlynn, Morgan, Morrison, Fred Murray,  
Nardi, Normand, Kerry O'Connor, Timothy  
O'Connor, O'Neil, Orcutt, Pappas, Paradis,  
Peters, Plomaritis, Podles, Sing, Harold  
Thomson, Van Loan, Wallace, Wallin,  
Geraldine Watson, James J. White, Cecelia  
Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi,  
Carroll, John Cate, Milton Cate, Chandler,



Eugene Daniell, Foley, Richard Hanson, Hess, LaBonte, Donna MacIvor, McLane, Mullin, Packard, Pelton, Plourde, Rich, Stefanides, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Benton, Bisbee, Blake, Blanchette, Carpenito, Cummings, Cunningham, Davis, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Anthony Randall, Richards, Sanborn, Scamman, Schwaner, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfesen.

STRAFFORD: Appleby, Burchell, Canney, Charles Grassie, Kelly, Lefavour, Lessard, Rod O'Connor, Osgood, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll and Allen Wolfesen.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Frizzell, Ingram, LeBrun, Scott, Spaulding, Tucker and George Wiggins.

NAYS 64

BELKNAP: Morin and James Murray.

CARROLL: Roderick Allen, Found, Howard and Towle.

CHESHIRE: Anne Gordon, Moore and Margaret Ramsay.

COOS: Cooney, Oleson and Willey.

GRAFTON: Aldrich, Ira Allen, Copenhaver, Duhaime, Glyneta Thomson and Ward.

HILLSBOROUGH: Ainley, Bosse, Mark Connolly, Corser, Joseph Cote, William Desmarais, Joseph Eaton, Gabrielle Gagnon, Granger, Heald, Lachance, Arnold Perkins, Polak, Henry Richardson, Seamans, Stylianos, Welch, Emma Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Laurent Boucher, Gamache, Kidder, McNichol, Arthur Perkins, Pratt, Doris Riley, Shepard and Gerald Smith.

ROCKINGHAM: Akerman, Barka, Campbell, Cutcliffe, Gould, Rogers and Alfreda Smith.

STRAFFORD: Walter Desmarais, Joos, Meader, Preston, Tripp and Shirley White.

SULLIVAN: Gray, Lewko, Palmer and Sara Townsend, and the motion was adopted.

Rep. Mann offered an amendment.

#### Amendment

Amend RSA 153:10-a, I and II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Every residential building or

structure not exceeding 70 feet in height above the mean grade erected or substantially altered after December 31, 1977 to be occupied for residential purposes shall be protected, according to the national fire protection association's pamphlet 74, current edition, with approved automatic smoke detectors. All devices shall be approved by a nationally recognized testing laboratory. A complete listing of all approved units shall be kept in the office of the state fire marshal. Such automatic smoke detector shall be installed in a manner and in a location as prescribed by the manufacturer or in accordance with the national fire protection association's pamphlet 74 entitled "Household Fire Warning Equipment."

II. Every hotel, motel, boarding house or lodging house, or family hotel built or substantially altered after December 31, 1977 shall be equipped with an automatic smoke or heat detector approved by a nationally recognized testing laboratory in each dwelling unit and each hallway floor.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Exception. Any building which is required by other provisions of law or the life safety code to be fitted with an automatic sprinkler system and an automatic fire warning system connected thereto shall be exempt from the provisions of RSA 153:10-a.

3 Effective Date. This act shall take effect January 1, 1978.

The Clerk read the amendment.

Amendment adopted.

Ordered to third reading.

HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor. Inexpedient to Legislate.

Rep. D'Amante moved that the words, Ought to Pass with Amendment, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Arthur Perkins spoke in favor of the motion.

Rep. Morrison spoke against the motion.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted. Motion adopted.

Rep. D'Amante offered an amendment.

#### Amendment

Amend RSA 622-B:18, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The funds collected under these provisions shall accumulate from year to year and not lapse or be appropriated to uses other than compensation and relief for victims of violent crimes and the administration of these funds according to this chapter, provided, however, that no payments to victims of violent crimes



shall be made until one year after the effective date of this chapter. The council may seek and accept funds from other legal and appropriate sources as they become available or necessary for the purposes of this chapter.

Amend the bill by striking out section 2 and renumbering section 3 to read as  
2

The Clerk read the amendment.  
Amendment adopted.  
Ordered to third reading.

#### COMMITTEE REPORTS (Regular Calendar)

HB 345, relative to the appointment of assistant secretaries of state. Ought to Pass. Rep. Tucker for Appropriations.

This bill gives the Secretary of State authority to appoint assistant secretaries of state on a temporary basis to alleviate election time problems. No additional appropriation required.

Ordered to third reading.

HB 515, establishing a study committee to investigate costs and methods necessary to update the record-keeping functions in the office of the secretary of state. Ought to Pass. Rep. Tucker for Appropriations.

The Committee agrees that a study of this nature is necessary in view of the workload faced by the office of the secretary of state. Although the bill carries no appropriation, testimony was given that a study could be adequately conducted without the employment of state monies. The Committee vote was unanimous.

Ordered to third reading.

HB 858, correcting errors, omissions and inconsistencies in the RSA and session laws and conforming existing law to the criminal code. Ought to Pass with Amendment. Rep. Foley for Constitutional Revision.

This bill is simple. The title of the bill explains its purpose. The amendment deals with a statute that has been declared unconstitutional. Rep. Joseph Eaton moved that HB 858 be laid upon the table.

Adopted.

HB 1117, providing for the local regulation of excavations. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

This bill, as amended, requires an owner of land to obtain a permit prior to excavating earth. The bill details application, hearing and appeal procedures relative to the granting of a permit. Permits are obtained from the town or city planning board, or, if there is no planning board, from the board of selectmen. The bill excludes

from the permit requirement excavation incidental to construction of building or parking lot, or to farming or landscaping, or contiguous to current stationary plants. It also exempts existing excavation operations. There are specific provisions for the restoration of the excavation site and a list of areas where permits may not be granted is enumerated in the bill.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Declaration of Purpose. The purpose of this act is to grant municipalities the authority to cope with the recognized safety hazards which open excavations create; to safeguard the public health and welfare; to preserve our natural assets of soil, water, forests and wildlife; to maintain aesthetic features of our environment; to prevent land and water pollution; and to promote soil stabilization.

2 New Chapter. Amend RSA by inserting after chapter 155-B the following new chapter:

#### CHAPTER 155-C

##### Local Regulation Excavations

155-C:1 Definitions. In this chapter:

I. "Regulator" means:

(a) The planning board of a city or town, or if a town at an annual or special meeting duly warned for the purpose so provided, the selectmen of the town; or

(b) If there is no planning board, the selectmen of the town or the legislative body of the city.

II. "Earth" means sand, gravel, rock, loam, clay, soil or stone.

III. "Excavation" means a land area which is used, or has been used, for the commercial taking of earth, including all slopes.

155-C:2 Permit Required. No owner shall permit any excavation of earth on his premises without first obtaining a permit therefor, except:

I. Excavation that is incidental to the lawful construction or alteration of a building or structure or the lawful construction or alteration of a parking lot or way including a driveway on a portion of the premises where removal occurs.

II. Excavation that is incidental to agricultural activities, normal landscaping or minor topographical adjustment.

III. Excavation from areas contiguous to stationary manufacturing and processing plants in operation as of the effective date of this chapter which use earth obtained from such areas.

IV. Excavation from a granite quarry.

155-C:3 Application for Permit. Any owner subject to this chapter shall, prior to excavation of his land, apply to the regulator in each city or town involved for a permit for excavation. The applicant shall also send a copy of the application to the conservation commission, if any, of the city or town.

Such application shall be signed and dated by the applicant and shall contain at least the following information:

I. The name and address of the owner of the land to be excavated, the person who will actually do the excavating and all abutters to the premises on which the excavation is proposed;

II. A sketch and description of the location and boundaries of the proposed excavation, the number of acres to be involved in the project and the municipalities and counties in which the project lies;

III. A sketch and description of the access to public highways to be utilized in the proposed excavation;

IV. The breadth, depth and slope of the proposed excavation and the estimated duration of the project;

V. The elevation of the highest annual average ground water table within or next to the proposed excavation;

VI. A plan for the restoration of the area affected by the excavation at least in compliance with RSA 155-C:5, including a timetable therefor as to fully depleted sites within the excavation area during said project.

VII. Such other information as the regulator may reasonably require.

155-C:4 Prohibited Projects. The regulator shall not grant a permit:

I. Where an excavation is proposed below road level within 50 feet of any highway right of way unless such excavation is for the purpose of said highway;

II. For excavation within 50 feet of the boundary of a disapproving abutter, or within 10 feet of the boundary of an approving abutter;

III. When the excavation is not permitted by zoning or other applicable ordinance;

IV. When the issuance of the permit would be unduly hazardous or injurious to the public welfare;

V. Where existing visual barriers in the areas specified in paragraphs I and II would be removed, except to provide access to the excavation;

VI. Where the excavation would substantially damage a known aquifer, so designated by the United States soil conservation service;

VII. When excavation is planned beneath or adjacent to inland surface waters in such manner that a permit is required from the water supply and pollution control commission, the water resources board, the special board on dredge and fill or other state or federal agencies with jurisdiction over the premises; but the regulator may approve the application when all necessary permits have been obtained; or

VIII. Where the project cannot comply with the restoration provisions of RSA 155-C:5.

155-C:5 Restoration. Within 12 months after the expiration date in the permit therefor or the completion of the excavation, whichever first occurs, the

owner of the excavated land shall restore, or cause to be restored, the area affected by the excavation to meet each of the following minimum conditions:

I. Except for exposed rock ledge, said area shall be covered with vegetation suitable to prevent erosion and with soils suitable to sustain such vegetation;

II. Debris resulting from the excavation shall be buried or removed;

III. All slopes shall be graded to natural repose for the type of soil of which they are composed; and

IV. The elimination of any standing bodies of water created in the excavation project as may constitute a hazard to health and safety unless the regulator specifies different restoration.

155-C:6 Application for Amendment. When the scope of a project for which an excavation permit has been issued is proposed to be altered so as to affect either the size or location of the excavation, the rate of removal, or the plan for restoration, the owner shall submit an application for amendment of his excavation permit which application shall be subject to approval in the same manner as provided for an excavation permit.

155-C:7 Hearing. Prior to the regulator approving an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held on such application. A notice of said hearing shall be sent to all abutters and shall specify the grounds for the hearing as well as the date, time and place.

155-C:8 Issuance of Permit. If the regulator after the public hearing approves the application for a permit and determines it is not prohibited by RSA 155-C:4 it shall upon receipt of an excavation fee determined by the regulator not to exceed \$50 and the posting of a bond or other such surety with the municipal treasurer in an amount, as it requires, reasonably sufficient to guarantee compliance with the permit, grant a permit to the applicant for an excavation. A copy of the permit shall be prominently posted at the excavation site or the principal access thereto. A permit shall not be assignable or transferable without the prior written consent of the regulator. A permit shall specify the date upon which it expires. The regulator may include in a permit such reasonable conditions as are consistent with the purpose of this chapter including the provision of visual barriers to the excavation.

155-C:9 Appeal. If the regulator disapproves or approves an application for an excavation permit or an application for an amended permit, any interested person aggrieved by such decision may appeal to the regulator for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable and said appeal shall be filed within 10

days of the date of the decision appealed from. The regulator shall either grant or deny the request for rehearing within 10 days, and if the request is granted, a rehearing shall be scheduled within 30 days. Any person aggrieved by the regulator's decision on a motion for rehearing to the regulator may appeal in conformity with the procedures specified in RSA 31:77-87.

#### 155-C:10 Enforcement.

I. The regulator may suspend or revoke the permit to any person who has violated any provision of his permit or this chapter or made a material misstatement in the application upon which his permit was granted, such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with RSA 155-C:8 and 9.

II. The regulator or person aggrieved thereby may seek an order from the superior court that the violator cease and desist from violation of any provision of his permit or this chapter and take such action as may be necessary to be in compliance with his permit and this chapter. If the superior court issues such an order the regulator or the person aggrieved, as the case may be, shall have judgment for all costs and attorney fees in seeking such an order.

III. To ascertain if there is compliance with this chapter, a permit issued hereunder or an order issued hereunder, the regulator or its duly authorized agent may enter upon any land on which there is reason to believe an excavation is being conducted or has been conducted since the effective date of this chapter.

IV. Whoever violates any provision of this chapter, a permit issued hereunder or a valid order issued hereunder shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

155-C:11 Regulations. The regulator may adopt such regulations as may be reasonably necessary to carry out the provisions of this chapter including a permit fee schedule.

3 Existing Operations. Any owner of an existing excavation in use as of the effective date of this act and which is subject to this act may continue such existing excavation without a permit but shall perform restoration under RSA 155-C:5 as soon as the excavation is completed in whole or in part.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 1016, establishing procedures for the periodic termination, review and renewal of state agencies and programs. Ought to Pass with Amendment. Rep. Close for Executive Departments and Administration.

This bill establishes a "sunset law" for New Hampshire and creates a joint legislative committee on review of agencies and programs to oversee the "sunset" process, and to conduct an ongoing review of legislative oversight in general. Unanimous vote.

#### Amendment

Amend RSA 17-F:2, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

17-F:2 Membership. The committee shall consist of 13 members to be appointed within 30 days of the effective date of this chapter. Seven of the members shall be representatives, 4 appointed by the speaker of the house and 3 appointed by the house minority leader. Six of the members shall be senators, 3 appointed by the president of the senate and 3 appointed by the senate minority leader. The members shall choose from their number a chairman who shall serve for 2 years provided that the chairmanship shall rotate biennially between the house and senate members.

Amend RSA 17-F:4, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

17-F:4 Duties. It shall be the duty of the committee to oversee the process of review of state agencies and programs as provided in RSA 17-G. The committee may, in its discretion, exempt any constitutional office from the review process. In addition the committee shall conduct an ongoing review of legislative oversight procedures and make periodic reports of suggestions and recommendations in this regard to the speaker of the house and the president of the senate.

Amend RSA 17-F, as inserted by section 1 of the bill, by inserting after section 4 the following new section:

17-F:5 Committee Sunset. The committee itself shall terminate on July 1, 1987 and shall be subject to review by the appropriate standing legislative committee, as provided in RSA 17-G. This review shall, however, in no way preclude the ongoing review, by the committee, of the sunset process between the effective date of this chapter and July 1, 1987.

Amend RSA 17-G:8, I, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

I. The review and evaluation outlined under this section shall have the following objectives:

(a) the elimination of inactive entities;

(b) the elimination of entities which duplicate other entities or other governmental programs and activities, or an appropriate consolidation of them;

(c) The elimination of inefficient, unnecessary or ineffective activities.

Amend RSA 17-G:8, II, as inserted by section 1 of the bill, by striking out



same and inserting in place thereof the following:

II. Not later than the third legislative day of each regular biennial legislative session, the legislative budget assistant shall submit to the relevant committees of the house and senate, as determined by RSA 17-G:6, a report for each program appropriation unit scheduled for review during that year, which shall include but not be limited to the following:

(a) the law or laws under which such program or agency was created and carries on its activities;

(b) the amount of appropriation for such program or agency for each of the past 4 fiscal years;

(c) an identification of other entities or programs of state government having the same or similar objectives along with a comparison of the cost and effectiveness of such entities or programs, and any duplication of the entity under review;

(d) an examination of the extent to which the objectives of the entity under review have been achieved when compared to the objectives initially set forth for the entity under review and an analysis of any significant variance between projected and actual performance, and

(e) the objectives of the program or agency during the next 6 fiscal years, as required by RSA 9:4.

Amendment adopted.

Referred to Appropriations.

HB 1030, concerning neglected and delinquent children and persons in need of supervision. Ought to Pass with Amendment. Rep. Blanchette for Health and Welfare.

Concerns neglected and delinquent children and persons in need of supervision.

#### Amendment

Amend RSA 169:2-a, I (b) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(b) A right to be represented by counsel or guardian ad litem, payment for whose services shall be determined by the court, which can be waived by the child only in the case of a person in need of supervision proceeding, and then only if the court determines that the child is mature enough to make an intelligent waiver;

Amend the bill by striking out section 5 and renumbering sections 6, 7, 8, and 9 to read as 5, 6, 7, and 8 respectively.

Amendment adopted.

Ordered to third reading.

HB 1148, relative to state public assistance programs. Ought to Pass with Amendment. Rep. Copenhagen for Health and Welfare.

The Committee voted 12-0 ought to pass as amended.

#### Amendment

Amend the bill by striking out section 3 and renumbering section 4 to read as 3

Amendment adopted.

Referred to Appropriations

HB 853, relative to franchise disclosure law. Ought to Pass with Amendment. Rep. Aller for Judiciary.

New Hampshire residents in the past several years have been bilked by flim-flam artists posing as "exclusive agents" to dispense franchises in New Hampshire of and for the distributorship of exclusive franchises for territory including all of New Hampshire. Sometimes these "agents" are quasi-legitimate, having some legal authority to sell franchises, but there is tremendous financial temptation to over-represent or misrepresent their actual authority to sell franchises. There is currently no specific provision in statute to protect a New Hampshire resident from these misrepresentations that cost the potential franchisee money. It was testified in public hearing that in some documented cases the entire life savings of a family investing in good faith in a franchise have been lost.

In other cases, a franchise-selling agent has sold "exclusive" New Hampshire rights to an individual, but later, the franchise buyer, the franchisee, has discovered that he or she does not enjoy exclusive rights to territory. The agent, in fact, sold several "exclusives," often in obvious deceit of the franchisees.

The last case in the most culpable and serious. In this instance, an "agent" has set up shop in a "Business Opportunities" section of the newspapers. A potential franchisee visits the room and is given a comprehensive and compelling sales pitch and is told his application will be "reviewed". Later, the potential franchisee is told, usually in a telephone call to his home, that he has been "accepted". But there is one problem presented at this time--the franchisee must make a good faith deposit (usually of several thousand dollars). The potential franchisee is given a few days to decide. Upon acceptance, the "franchisee" pays the deposit and then never hears from the "agent" again.

HB 853 is a comprehensive act to alleviate these problems and inconsistencies in the present franchise laws. A bond and registration is required to be filed with the Consumer Protection Division of the Attorney General's office. It also sets regulations of notification and contractual requirements. It is a



comprehensive answer to a major problem that is costing New Hampshire residents thousands of dollars a year.

#### Amendment

Amend RSA 358-D:1, II (a), as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) To engage in the business of offering, selling, or distributing goods or services under a marketing plan or system designed by a franchisor, or

Amend RSA 358-D:3, I, (n), as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(n) A description of the basis and the amount of any revenue or other consideration to be received by the franchisor from suppliers of goods or services required or suggested to be purchased by the franchisee;

Amend RSA 358-D:4, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

358-D:4 Exemptions. Any franchisor selling a franchise for which the franchise fee paid by each franchisee is more than \$25,000 is exempt from the requirements of this chapter. Furthermore, this chapter is not intended to apply to any gasoline franchise regulated by RSA 339-C.

Amend RSA 358-D:5, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

358-D:5 Disclosure Statement; Cancellation.

I. A franchisor shall provide to each prospective franchisee a disclosure statement which contains the documents and information required to be filed with the division prior to entering into any franchise contract or agreement with such prospective franchisee.

II. The franchisee shall have an express and unqualified right to cancel the franchise within 3 business days after the execution of the franchise contract or agreement. If the franchisee elects to cancel, he may do so by written notice thereof hand-delivered or sent by certified or registered mail. Any deposit or payment of the franchisee to the franchisor must be refunded to the franchisee in its entirety no later than 10 days from the receipt of such notice. Any franchise contract or agreement must state in immediate proximity to the space reserved for the franchisee's signature, in bold faced type of a minimum size of 10 points, a statement in substantially the following form:

"ANY FRANCHISEE MAY CANCEL THIS FRANCHISE CONTRACT OR AGREEMENT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF EXECUTION BY WRITTEN NOTICE HAND-DELIVERED OR SENT BY CERTIFIED OR REGISTERED MAIL."

Amend RSA 358-D:7, as inserted by section 1 of the bill by striking out same

and inserting in place thereof the following:

358-D:7 Enforcement. Any violation of the provisions of this chapter is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this chapter. Any franchisor who has violated any provision of this chapter shall not be entitled to receive or retain any franchise fee or other payment from the franchisee.

Amendment adopted.

Ordered to third reading.

HB 870, to provide for the use of interpreters for the deaf for all administrative and judicial proceedings in which deaf persons are involved. Ought to Pass with Amendment. Rep. Martin for Judiciary.

This bill provides for the use of interpreters for the deaf at all administrative and judicial proceedings in which deaf people are involved.

The Committee amendment slightly modifies HB 870 to provide interpreters only when requested by a deaf person.

The Committee felt that this legislation was a progressive step in assisting deaf people.

#### Amendment

Amend RSA 521-A:2, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

521-A:2 Interpreter Required. At all stages of any proceedings before any court, department, board, commission, agency or licensing authority of the state; any political subdivision of the state; or any department, board, commission, agency or licensing authority of a political subdivision in which a deaf person is a principal party in interest the appointing authority shall appoint, upon request of the deaf principal, a qualified interpreter to interpret or to translate the proceedings to the deaf person and to interpret or translate his testimony.

Amendment adopted.

Referred to Appropriations.

HB 1038, relative to providing criminal penalties for the copying of recorded devices. Ought to Pass with Amendment. Rep. Daniel Eaton for Judiciary.

This bill prohibits transferring or recording of a performer's sounds, with the intent to sell the same, without the consent of the owner or performer. These provisions do not apply to recordings done by a licensed radio or television broadcaster for broadcast, recordings made for archival purposes or recordings made for home or personal use.

This bill would update the present statute dealing with pirated recordings by providing a specific statute and penalties for the theft of such recordings. Often times these tapes are presented to consumers as inferior quality. The Committee saw examples of these bogus tapes at public hearing that were blatant misrepresentations and proved the passage of this legislation would be justified. It was also estimated that the small retailers in the state are losing from \$500,000 to \$1 million or more a year in sales. The effect of these losses on the business profits tax and the state economy in general justify the passage of this bill.

#### Amendment

Amend RSA 352-A:1, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. "Person" means any natural person, group, firm, partnership, corporation, association, or any other legal entity.

Amendment adopted.

Ordered to third reading.

HBI 2037, relating to the abuses and problems of the New Hampshire small claims court system. Refer to the Judicial Council. Rep. Currier for Judiciary.

The Judiciary Committee has already reviewed favorably the abuses and problems of the New Hampshire small claims court through another house bill. We passed a bill this session that corrects the problem of collection of judgments as addressed in HBI 2037. The Committee vote was (12-0) in favor of referring to the Judicial Council.

Rep. Arthur Perkins moved that the words, Inexpedient to Legislate, be substituted for the committee report, Refer to the Judicial Council, and spoke to his motion.

Adopted.

HB 735, increasing unemployment compensation benefits. Inexpedient to Legislate. Rep. McGlynn for Labor, Human Resources and Rehabilitation.

A much more comprehensive and technical approach to increasing unemployment compensation benefits is addressed in another measure. Resolution adopted.

HB 860, relative to eligibility requirements for unemployment compensation benefits. Inexpedient to Legislate. Rep. Stylianos for Labor, Human Resources and Rehabilitation.

This measure relative to eligibility requirements for unemployment compensation benefits would make provisions in the law making it a welfare system, rather than a program of unemployment compensation.

Resolution adopted.

HB 1044, relative to the public employee labor relations law. Ought to Pass. Rep. Cutcliffe for Human Resources and Rehabilitation.

This legislation addresses three technical changes in RSA 273-A. The public employee labor relations law, which was passed in the last session. Vote 10-2.

Ordered to third reading.

HB 883, providing for final and binding arbitration under the public employee labor relations law. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study. Rep. Skinner for Labor, Human Resources and Rehabilitation.

The complex issue of binding arbitration will be studied in depth by the Committee. Adopted.

HBI 2025, Relating to the impact of the public employee labor relations law on state government. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study. Rep. Roderick Allen for Labor, Human Resources and Rehabilitation.

Unanimous vote of Committee to do interim study to look into the impact of "collective bargaining" (RSA 273). Examining with the Executive Departments and Administration the effect of the law on the New Hampshire Retirement System and State Personnel System. Adopted.

HB 949, authorizing arbitration in the resolution of public employee labor relations' disputes. Inexpedient to Legislate. Rep. Cutcliffe for Labor, Human Resources and Rehabilitation.

The subject of this legislation will be studied in a similar bill by the Committee, on all aspects of binding arbitration.

Resolution adopted.

HB 1046, providing arbitration procedures under the public employee labor relations law. Inexpedient to Legislate. Rep. Gould for Labor, Human Resources and Rehabilitation.

The subject of this bill will be included in Committee study on binding arbitration in the collective bargaining process. Resolution adopted.

HB 1049, relative to the public employee labor relations law. Inexpedient to Legislate. Rep. Gould for Labor, Human Resources and Rehabilitation.

The intent of this bill will be covered in interim study on "Binding Arbitration", and other procedures. Resolution adopted.

HB 1142, revising the procedure for resolving disputes under the public employee labor relations law; establishing criteria for the decertification of an employee organization; and expanding the definition of strikes. Inexpedient to Legislate. Rep. Head for Labor, Human Resources and Rehabilitation.

Committee will study subject of this legislation in another bill referred to Committee for further study. Resolution adopted.

HB 1047, relative to overtime pay for employees of nursing homes. Ought to Pass. Rep. Gould for Labor, Human Resources and Rehabilitation.

This measure will correct overtime pay of employees of any nursing home to the rate of time and one-half for all time worked in excess of 40 hours in any one week. The current law grants time and one-half for all time worked in excess of eight hours in any one day.

Ordered to third reading.

HB 1048, relative to the workmen's compensation law. Ought to Pass with Amendment. Rep. Cooney for Labor, Human Resources and Rehabilitation.

It was the unanimous vote of the Committee that this "agreed" legislation be passed giving New Hampshire workers the workmen's compensation benefits that labor and management have agreed upon.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition. Amend RSA 281:2 by inserting after paragraph X the following new paragraph:

XI. Domestic and household employee, shall mean any employee who is hired to perform any work in and around a dwelling place.

2 Commission Duties, Removed. Amend RSA 281:5, VI (supp) as amended by striking out said paragraph and inserting in place thereof the following:

VI. The commission shall meet as often as necessary to review all claims by state employees and shall make a final determination of such claims. Any person aggrieved by the determination of the commission shall have the right to appeal for a hearing in the department of labor as provided in RSA 281:37 and RSA 281:40.

3 Filing Requirement Eliminated. Amend RSA 281:9, I as amended by striking out said paragraph and inserting in place thereof the following:

I. By insuring and keeping insured, the payment of such compensation with a company licensed to write workmen's compensation insurance in the state.

4 Insurance Carrier, Civil Penalty Eliminated. Amend RSA 281:10, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. An employer subject to this chapter who fails to comply with the provisions of RSA 281:9 by not securing payment of compensation shall be assessed a civil penalty of \$10 for each day of noncompliance beginning on the date of written notification by the labor commissioner.

5 Termination Period Increased. Amend RSA 281:11 (supp) as amended by striking out said section and inserting in place thereof the following:

281:11 Termination Notices. In all instances where an insurance carrier is to cease providing workmen's compensation insurance to an employer, whether by reason of cancellation or otherwise, it shall file a written termination notice with the labor commissioner and a copy of same shall be sent to the covered employer. No termination shall take effect earlier than 45 days after the date of filing of notice thereof with the labor commissioner except when a new notice of coverage has been filed with the labor commissioner by another insurance carrier, in which case, the change in coverage shall be automatic. Where duplicate coverage may be on file in the department of labor, the labor commissioner shall determine the appropriate insurance carrier for the employer and notify the parties in writing of such determination.

6 Benefits Increased. Amend RSA 281:23, II (a) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(a) is over \$138 per week, then weekly compensation shall be 66-2/3 percent of said average weekly wage but in no event shall exceed 117 percent of the state's average weekly wage effective July 1, 1977 and 133-1/3 percent of the state's average weekly wage effective July 1, 1978 rounded off to the nearest dollar as determined by the labor commissioner for the year in which the injury occurred. For purposes of this section, the state's average weekly wage shall be established by the department of employment security on or before the first day of March of each year for the immediate preceding calendar year to be effective the following July first;

7 Appeal Provision Removed. Amend RSA 281:33 (supp) as amended by striking out said section and inserting in place thereof the following:

281:33 Lump Sum Payments. Lump sum agreements may be permitted at the discretion of the labor commissioner or his designated representative when the best interests of all concerned will be served thereby, provided, however, in no instance shall the medical provisions of this chapter be lump summed.

8 Date Changed. Amend RSA 281:53 as amended by striking out said section and inserting in place thereof the following:

281:53 Report of Labor Commissioner. Said labor commissioner shall, by October 1 of each odd year, make a report to the governor showing the work done during the preceding 2 fiscal years



and shall include therein a properly classified statement of department expenses, statistical information relating to the number and character of industrial accidents during such 2 years and such other information and recommendations as seem pertinent. Such report shall be printed as part of the biennial report of the labor commissioner.

9 Repeal. RSA 281:5, V relative to the review of state employee workmen's compensation cases is hereby repealed.

10 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Referred to Appropriations.

HB 1143, relative to conformance of RSA 282 to federal requirements. Ought to Pass with Amendment. Rep. Skinner for Labor, Human Resources and Rehabilitation.

This is the law to conform with federal law 94-566 regarding unemployment requirements and procedures for compensation. Part of the draft of this legislation was not covered in the initial draft. The amendment will conform our law to the most recent changes in the new unemployment law which will be in effect January 1, 1978.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to unemployment compensation (RSA 282).

Amend the bill by striking out section 11 and inserting in place thereof the following:

#### 11. Benefits Between Academic Terms.

Amend RSA 282:3, F (supp) as inserted by 1971, 155:19 by striking out said paragraph and inserting in place thereof the following:

F. He is not seeking compensation for any week commencing during an established and customary vacation recess or holiday leave or the period between 2 successive academic years or terms or similar periods, if he has a contract to perform, or there is a reasonable assurance that he will perform services for an educational institution in the second of such academic periods and he performed such services during the first of such academic periods.

Amend the bill by striking out section 12 and inserting in place thereof the following:

12 Benefits to Aliens. Amend RSA 282:1, O, (supp) by inserting after paragraph (1) the following new subparagraph:

(a) The amount of any payment to an alien unless said individual was, at the time he performed services, in the United States of America under color of law.

Amend the bill by striking out section 14 and inserting in place thereof the following:

14 Preamble for Unemployment Compensation Law.

I. WHEREAS, economic insecurity due to unemployment is a serious menace to the health, morals and welfare of the people of this state, and involuntary unemployment is therefore a subject of general interest and concern requiring appropriate action by the legislature to prevent its spread and to lighten the burden which now so often falls with crushing force upon the unemployed worker and his family; and

II. WHEREAS, the attempt to provide for such distress solely through poor relief not only is inadequate for the need but productive of serious social consequences upon many self-respecting persons, and if undertaken on an emergency basis, taxes to the utmost the administrative facilities and financial stability of the state;

NOW, THEREFORE, the general court declares that the public good and the general welfare of the workers of this state require the enactment of unemployment compensation laws providing for the setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own, and for providing a systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment.

15 De Novo. Amend RSA 282:1 by inserting after paragraph U the following new paragraph:

V. "De Novo" means anew; afresh; a new trial on all issues and a full hearing on the merits in no way restricted by what occurred before.

16 Benefit amounts. Amend RSA 282:2, B, (1) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(1) The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by his annual earnings, of which in each of 2 calendar quarters he must have earned not less than \$300, as follows:

Annual Earnings of	Maximum Weekly	Maximum
Not Less Than	Benefit Amount	Benefits
1,200	21	546
1,500	23	598
1,700	26	676
2,000	30	780
2,300	33	858
2,600	36	936
2,800	39	1,014
3,000	43	1,118
3,200	44	1,144
3,400	46	1,196
3,600	48	1,248
3,900	50	1,300
4,200	54	1,404
4,500	58	1,508
4,800	61	1,586
5,100	66	1,716
5,400	69	1,794
5,700	73	1,898
6,000	76	1,976
6,300	79	2,054
6,600	83	2,158
7,000	87	2,262



7,400	91	2,366
7,800	95	2,470
8,200	99	2,574
8,600	102	2,652

17 Availability. Amend RSA 282:3 by inserting after paragraph C the following new paragraph:

D. He is available for and seeking permanent, full-time work for which he is qualified.

18 Disqualification ends. Amend RSA 282:4, A (supp) as amended by striking out said paragraph and inserting in place thereof the following:

A. Until he has earned in each of 3 weeks wages in employment as defined in section 1-H, except 1-H (4) (f), (g) or wages earned in a like manner in another state, of at least 20 percent more than his weekly benefit amount in effect when the act occurs, subsequent to the date:

19 Self-employment. Amend RSA 282:4 by inserting after subparagraph A (2) the following new subparagraph:

(3) He left his self-employment or closed his business for seasonal or other reasons.

20 Filing claims. Amend RSA 282:4 by inserting after paragraph A the following new paragraph:

B. For any period for which proper and timely claims were not filed in person except when prevented from appearing in person by reason of securing work.

21 Decisions. Amend RSA 282:5, C, as amended by striking out said subparagraph and inserting in place thereof the following:

(6) Decisions. In every appeal, except those withdrawn, the chairman shall prepare a written decision which shall be sent by registered mail to each interested party at the last address of each according to the records of the department of employment security. The decision, except those dismissed for lack of prosecution or default for failure to attend, among other necessary things as determined by the commissioner, shall: set forth all the material findings necessary to support the conclusions; identify the interested parties and the account, whether fund or employer, to which benefits will be charged, if allowed; identify the week or period during which benefits are denied; identify the first week and subsequent period with respect to which benefits will be paid, if allowed; determine all things necessary to finally dispose of the case; identify the members of the tribunal.

22 Reopening. Amend RSA 282:5, E as amended by striking out said paragraph and inserting in place thereof the following:

#### E. REOPENING OF APPEAL TRIBUNAL DECISION.

(1) Procedure. The commissioner may, upon written request of an interested party or upon his own initiative, in any case in which a decision has been rendered reopen the case on the basis of fraud, mistake, or newly discovered evidence. Such request shall set forth the facts or argument considered to be the basis for

the reopening. No reopening will be considered by the commissioner unless the request is received in his office within 30 days immediately following the date of mailing of the appeal tribunal's decision. The commissioner shall promptly notify in writing other interested parties of the request for reopening.

#### (2) Commissioner's Determination.

The commissioner shall render his determination within a reasonable period after all the facts or arguments are made available to him. The determination of the commissioner shall be sent by registered mail to each interested party at the last address of each according to the records of the department of employment security. The appeal tribunal shall upon direction to reopen proceed in the same manner as though an appeal in said case were being taken from a determination of a certifying officer; provided, however, that the further hearing shall be limited to the introduction of evidence or argument relative to and concerning the factors which constitute the basis or grounds for the reopening.

23. Appeal to court. Amend RSA 282:5, G, (1), (2), (3), (4), and (5) as amended by striking out said subparagraphs and inserting in place thereof the following:

#### G. APPEAL TO COURT.

(1) Any interested party aggrieved by any decision of an appeal tribunal who has been denied a reopening under RSA 282:5, E may appeal to the superior court within 30 days of the date said denial was mailed.

(2) Appeal shall be to the superior court for the county in which is located the employment bureau or branch in which the original claim was filed. The appeal shall be perfected by filing a petition with the clerk of said superior court within the time limits specified in RSA 282:5, G, (1) and such petition must set forth specifically the grounds upon which it is claimed that the decision is in error. The clerk of said superior court shall issue a citation to all interested parties and the commissioner, which shall be served by the appellant and be returnable in the same manner as other civil writs.

(3) The commissioner shall file with said clerk before trial a certified copy of the record on the claim which shall, upon being so filed, become the record of the case to be considered by the court to the supreme court in the same manner as is provided in civil actions. Upon the final determination of such judicial proceeding, the commissioner shall enter an order in accordance with such determination.

(4) Such appeals are heard by the court upon the certified copy of the record filed by the commissioner. The court does not retry the facts nor hear evidence. The appeal tribunal's findings as to the facts if supported by evidence and in the absence of fraud, shall be conclusive. It cannot review the conclusions of the appeal tribunal when

these depend upon the weight of the evidence and the credibility of witnesses. Its power in the correction of the finding of the appeal tribunal is analogous to, and its method of correcting the finding similar to, the power and method of the supreme court in correcting the findings of the trial court. When it appears necessary to protect substantial rights of a party, the court may remand to the appeal tribunal for further testimony and determination in accord therewith.

#### 24. Effective Date.

I. Sections 8, 9, 10, 11 and 13 of this act shall take effect on July 1, 1977.

II. Sections 1, 2, 3, 4, 5, 6, 7 and 12 of this act shall take effect on January 1, 1978.

III. The remainder of this act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Skinner offered an amendment.

#### Amendment

Amend the bill by striking out sections 22 and 23 and renumbering section 24 to read as

22 respectively.

The Assistant Clerk read the amendment. Amendment adopted.

Referred to Appropriations.

HB 1144, relative to the establishment of workmen's compensation self-insurance programs. Ought to Pass with Amendment. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Under present law a public employee can establish a self-insurance workmen's compensation program, but the law is not clear on the specifics of funding. The Committee voted unanimously in favor of passing this legislation which establishes guidelines and rules for the self-insurer providing adequate protection.

#### Amendment

Amend the introductory paragraph of RSA 281:7-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

Any employer with respect to public employment as defined in RSA 281:2, II may, subject to RSA 281:9, II and the regulations adopted thereunder, self-insure for workmen's compensation coverage as follows:

Amendment adopted.

Ordered to third reading.

HB 946, relative to the membership of the joint committee on legislative facilities. Majority: Inexpedient to Legislate. Rep. Aldrich for Legislative Administration. Minority: (Reps. Rod O'Connor, Chambers and James J. White): Ought to Pass with Amendment.

Majority: The Committee considered this bill with nine present and reconsidered it with a quorum present.

The final decision of the majority, inexpedient to legislate, was arrived at because the Speaker is responsible and answerable to the House for administration. He should, therefore, be free to appoint people solely on the basis of their expertise.

Minority: The minority feels that diversity of representation on this important committee, which manages legislative agencies, funds and office space, should be guaranteed in statute. The requirement that the "at-large" members of the Committee be of a different political party will result in this diversity. The amendment makes the bill effective for the 1979 session thereby not affecting anyone serving on the Facilities Committee currently.

Majority resolution adopted.

HB 615, relative to interest charges charged upon all taxes other than resident taxes not paid on time. Ought to Pass with Amendment. Rep. Faucher for Municipal and County Government.

Spells out interest to be charged on taxes.

#### Amendment

Amend RSA 76:13 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

76:13 Interest. Interest of 9 percent per annum shall be charged upon all taxes except resident taxes not paid on or before December first after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due that amounts to less than one dollar may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in his judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the commissioner of revenue administration in writing of the date on which the last tax bill was sent.

Amendment adopted.

Ordered to third reading.

HB 682, relative to the motor vehicle collections by town clerk or other municipal official and providing for the removal of a town clerk for cause. Ought to Pass with Amendment. Rep. Richard Hanson for Municipal and County Government.

Spells out the procedure for town clerks to turn money over to town treasurer.

## Amendment

Amend RSA 41:16-c as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

41:16-c Removal. Whenever, upon examination, the accounts of a town clerk are found to be irregular, or timely deposit of funds has not been made, the commissioner of revenue administration shall notify the selectmen in writing of all the irregularities in the office. Upon receipt of such notice, the selectmen shall within 10 days, take the necessary action for removal of the town clerk pursuant to law.

Amendment adopted.

Ordered to third reading.

HB 811, increasing the fees paid to county medical referees. Ought to Pass with Amendment. Rep. Packard for Municipal and County Government.

This is in order with increased costs.

## Amendment

Amend RSA 611:27, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. For all necessary travel at the established county rate.

Amendment adopted.

Ordered to third reading.

HB 951, relative to the removal of absent town budget committee members. Ought to Pass with Amendment. Rep. LaBonte for Municipal and County Government.

This is a bill that will give guidelines for budget committee members.

## Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Removal of Absent Budget Committee Members. Amend RSA 32:2 (supp) as amended by striking out said section and inserting in place thereof the following:

32:2 Budget Committee. The Budget committee shall consist of 3, 6, 9 or 12 members-at-large as the meeting adopting the provisions hereof shall by vote determine, and one member chosen by the school board of each school district wholly within said town, and one member of the board of commissioners of each village district wholly within said town to be designated by said board, and one member of the board of selectmen to be designated by said board. The members-at-large may either be appointed by the moderator or elected by the town meeting as any annual meeting may by vote determine under a proper article in the warrant for said meeting, provided, however, the members-at-large shall be residents of said town at the time of election or appointment and provided, further, that no

selectman, town manager, member of the school board or village district commissioner shall serve as a member-at-large. One of said members-at-large shall be elected by the budget committee as chairman. If said members-at-large are elected at the town meeting it shall be by majority vote by ballot or acclamation of those present and voting, except as provided in RSA 32:3. Where said members-at-large are appointive such appointments shall be made within 30 days after the annual town meeting. One third of the members-at-large shall hold office for one year, 1/3 for 2 years, and 1/3 for 3 years and each year thereafter 1/3 shall be elected or appointed for a term of 3 years and until their successors are elected or appointed and qualified. Vacancies in the membership-at-large shall be filled by appointment by the moderator and such appointment shall be made within 5 days from the creation of the vacancy. Such appointees shall hold office until the next annual town meeting. The members selected by the school board, the village district commissioners and the selectmen shall hold office for one year and until their successors are qualified. A member-at-large shall cease to hold office immediately upon missing 4 consecutive scheduled or announced meetings without being excused by the chairman or when a member ceases to be a resident of said town. Upon the happening of either occurrence, the chairman shall request the moderator to fill the vacancy.

Amendment adopted.

Ordered to third reading.

HB 1056, relative to home rule. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

This bill is long overdue and gives towns the rights established under Article 39 of the New Hampshire Constitution.

Rep. Richard Hanson explained the bill. Ordered to third reading.

HB 1057, relative to tax abatement on municipal airport properties. Ought to Pass with Amendment. Rep. Mann for Municipal and County Government.

There seems to be an agreement between Manchester and Londonderry.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to tax abatement on municipal airport property in Manchester and Londonderry.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Abatement of Taxes or Payments in Lieu of Taxes. The selectmen of the town of Londonderry may abate the taxes or the payments in lieu of taxes on airport property in Londonderry, notwithstanding the provisions of RSA 423 to the contrary, subject to the condition that the amount



of such taxes or payments in lieu of taxes be used by the airport authority, or the city of Manchester acting by or through an airport authority, solely for the operation and maintenance of the airport.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 1058, restricting a zoning change proposal to appear on the town warrant 2 times in a 5 year period. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

The committee feels that each citizen should have the same rights as Planning Boards.  
Resolution adopted.

HB 1067, establishing a voluntary arbitration system for handling settlement disputes in welfare cases. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

This gives the parties (towns) an opportunity to choose arbitration over litigation. It would be voluntary and less expensive.

Ordered to third reading.

HB 1069, relative to municipalities employing prosecutors for district or municipal courts. Ought to Pass. Rep. Packard for Municipal and County Government.

Allows selectmen to appoint and compensate municipal prosecutors to more adequately prosecute in court.  
Ordered to third reading.

HB 1073, relative to the powers and findings of the zoning board of adjustment and rehearings before said board. Ought to Pass with Amendment. Rep. Beverly Gage for Municipal and County Government.

This bill expands the powers of the board of adjustment and imposes additional requirements on said board.

#### Amendment

Amend RSA 31:72, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. To hear and decide special exceptions to the terms of the ordinance upon which the board is required to pass under such ordinance provided that:

(a) Special exceptions shall be listed as permitted uses in the respective districts subject to the satisfaction of the requirements and standards set forth for such special exceptions;

(b) Such special exceptions shall not be contrary to the public interest;

(c) The spirit of the ordinance shall be observed and substantial justice done;

(d) Such special exception does possess characteristics of such unique and special forum that each specific use shall be considered as an individual case; and

(e) The ordinance specifically provides that it is subject to exceptions being made under the foregoing conditions.

Amend RSA 31:72, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. In order for a variance to be granted pursuant to this paragraph all of the following conditions shall be present:

(a) A hardship exists which is inherent in the land in question and which is not shared in common with other parcels of land in the district;

(b) The spirit and intent of the ordinance will not be violated by granting the variance;

(c) The granting of the variance will not adversely affect other property in the district; and

(d) Not to grant the variance would result in injustice.

Amend RSA 31:72, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. In all decisions made by the board of adjustment the board shall prepare written findings of fact upon which the board based its conclusions and reached its decision. Failure to make such a written report shall make each member of the board in attendance at such meeting subject to removal from office on proper petition before the superior court. The court shall give any hearing under this section priority on the court calendar.

Amend RSA 31:72, VI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VI. The reasons and findings for either approving or denying a request for a special exception under paragraph II or a variance under paragraph III shall be recorded in detail and if a request is approved a special exception or a variance shall not be granted until the time for an appeal has expired.

Amend RSA 31:72, VII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII. Any questions of law may be transferred directly to the superior court where they shall receive priority status on the court calendar. The board of adjustment shall have the discretion as to whether to transfer the question of law prior to the final decision of the board.

Amend RSA 31:72 as inserted by section 1 of the bill by inserting after paragraph VII the following new paragraph:



VIII. A concurring vote of 3 members of the board shall be necessary to reverse any action of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

Amendment adopted.

Ordered to third reading.

HB 1076, providing for exemption of machinery and equipment from the property tax. Ought to Pass with Amendment. Rep. Mann for Municipal and County Government.

This makes ski areas conform with the repeal of the stock in trade tax.

Amendment

Amend RSA 72:23, VII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII. The ski tows, ski lifts and tramway devices, excluding towers, owned by a ski area operator, and the snow-making equipment owned by a ski area operator.

Amendment adopted.

Ordered to third reading.

HB 1151, permitting a local option to adopt tax exemptions for substandard buildings in need of extensive repairs. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

Committee found bill inexpedient at request of sponsor.

Resolution adopted.

HB 1157, relative to the maintenance of private roads. Refer to the Committee on Municipal and County Government for Interim Study. Beverly Gage for Municipal and County Government.

Felt bill needed further study because of another bill in same category. Adopted.

HB 1158, relative to the definition of a class VI highway and the status of existing class VI highways. Ought to Pass with Amendment. Rep. Packard for Municipal and County Government.

Clarifies and provides a uniform procedure for discontinuing town roads.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Effective date. This act shall take effect in each community at the conclusion of the next regular town meeting.

Amendment adopted.

Ordered to third reading.

HB 1159, authorizing towns by local referendum to acquire and dispose of industrial facilities. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

This is needed for the smaller towns in the north country.

Ordered to third reading.

HB 1160, establishing a right of referendum in a city or town. Inexpedient to Legislate. Rep. LaBonte for Municipal and County Government.

This would not be to the advantage of the taxpayers of towns and cities. Resolution adopted.

HB 1176, reapportioning Belknap district 4 for representative districts to the general court. Inexpedient to Legislate. Rep. Neil McIver for Municipal and County Government.

Committee found bill inexpedient at request of sponsors.

Rep. Richard Hanson explained the bill. Resolution adopted.

HB 1190, relative to taxing the property of the North Bay Council, Inc., of the Boy Scouts of America located in the town of Orford. Ought to Pass. Rep. Beverly Gage for Municipal and County Government.

Bill needed in fairness to town of Orford.

Rep. Hildreth moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Rep. Glyneta Thomson spoke against the motion.

Rep. LaMott spoke in favor of the motion.

Reps. Chandler and Barrus spoke against the motion.

Rep. Richard Hanson explained the committee report.

Rep. Eugene Daniell moved that HB 1190 be recommitted to Municipal and County Government for Interim Study and spoke to his motion.

Reps. Clark and Marshall French spoke against the motion.

Question being on the Daniell motion to recommit.

Rep. Richard Hanson spoke against the Daniell motion.

Rep. Tucker moved that further consideration of HB 1190 be laid upon the table.

Unanimously adopted.

The Speaker asked for an expression of consent that there be no session Tuesday, May 10.

It was manifestly in the affirmative, 229 - 16.

#### SENATE MESSAGE

##### INTRODUCTION OF SENATE BILLS

SB 132, relative to the compensation and benefits of certain permanent policemen in case of death or disability. (Executive Departments and Administration)

SB 113, providing for a master plan for state land use in the city of Concord. (Public Works)

SB 130, relative to transfers of classification in the retirement system. (Executive Departments and Administration)

SB 172, relative to parental responsibility. (Judiciary)

SB 140, relative to the liability of landowners. (Judiciary)

SB 141, prohibiting the use of minors in pornographic arts, pictures, displays and the sale or custody of any such material in the state. (Judiciary)

SB 196, repealing the requirement that prescription drugs be kept in their original container. (Judiciary)

SB 122, prohibiting the manufacture, transportation, possession, or use of virulent hog cholera virus and redefining the word garbage in RSA 144 relative to the feeding of garbage to swine. (Environment and Agriculture)

SB 162, relative to the number of sets of special number plates that may be issued to a member of the general court. (Legislative Administration)

SB 164, to amend the charter of St. Mary's-in-the-Mountains. (Education)

SB 183, relative to the establishment of village districts. (Municipal and County Government)

SB 156, relating to the director of divisions in the department of resources and economic development. (Executive Departments and Administration)

SB 151, establishing the New Hampshire crime commission. (Executive Departments and Administration)

SB 112, authorizing payment to the city of Concord for use of solid waste disposal facilities by the state. (Municipal and County Government)

SB 85, relative to the authority to levy tolls on the eastern New Hampshire turnpike, the central New Hampshire turnpike, and the New Hampshire turnpike system. (Public Works)

SB 169, relative to parking permits for handicapped persons. (Transportation)

SB 170, relative to certain free licenses for all totally and permanently disabled veterans, if disabled while on active duty from a service connected disability. (Claims, Military and Veterans Affairs)

SB 176, to amend the law relative to taxation on legacies and successions. (Ways and Means)

SB 131, relative to the sales of furnace and stove oil. (Commerce and Consumer Affairs)

SB 149, protecting the welfare of certain adults by providing protective services. (Judiciary)

SB 16, relative to the extent of medical treatment which a licensed podiatrist may perform. (Health and Welfare)

SB 155, requiring all mobile telephone service companies and radio paging service companies doing business in the state to be regulated by the public utilities commission. (Science and Technology)

SB 146, relative to the posting of a bond or certification of assets by every manufacturer of mobile homes to insure

warranties. (Commerce and Consumer Affairs)

SB 7, establishing retirement and permanent disability benefits for district court justices. (Judiciary)

SB 167, relative to the enforcement of court ordered child support payments. (Judiciary)

SB 117, relative to the statute of limitations on an action for paternity. (Judiciary)

SB 123, relative to the power of certain colleges to grant degrees. (Education)

SB 144, amending the definition of a "dam" in the RSA chapter on dams and flowage. (Resources, Recreation and Development)

SB 126, relative to a police officer's attendance at public functions. (Judiciary)

SB 111, to conform the state statutes and regulations to the requirements of the federal insecticide, fungicide and rodenticide act. (Environment and Agriculture)

SB 4, establishing a board of claims for the state and making an appropriation therefor. (Claims, Military and Veterans Affairs)

SCR 4, to petition Congress to call a convention to propose an amendment to the United States Constitution to require a balanced federal budget, except in a national emergency. (Constitutional Revision)

SB 147, relative to posting a bond or decertification of assets by manufacturers, importers or distributors of motor vehicles to insure warranties. (Commerce and Consumer Affairs)

SB 134, relative to reforestation of land. (Resources, Recreation and Development)

SB 135, relative to public forest lands. (Resources, Recreation and Development)

SB 161, making a supplemental appropriation to the department of administration and control. (Appropriations)

SB 175, providing a penalty for purposely or knowingly covering a fire hydrant with snow or other debris. (Claims, Military and Veterans Affairs)

SB 136, relative to the change of use of land subject to the current use tax. (Environment and Agriculture)

SB 104, relative to the stocking of fish by the fish and game department. (Fish and Game)

SB 142, amending the definition of moped in the motor vehicle laws. (Transportation)

#### RECESS

#### COMMITTEE REPORTS (cont'd)

HJR 4, for the purpose of requesting appropriate action by the Congress, either acting by consent of 2/3 of both Houses or, upon the application of the legislatures of 2/3 of the several states, calling a constitutional convention to propose an amendment to the Federal

Constitution to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year. Ought to Pass with Amendment. Rep. Hess for Constitutional Revision.

The Committee unanimously agreed that HJR 4 is a good method of informing Congress of our concern about the nation's continually and increasingly unbalanced budget. The amendment deletes the bill's reference to calling a Constitutional Convention.

Rep. Joseph Eaton offered an amendment.

#### Amendment

Amend the title of the resolution by striking out same and inserting in place thereof the following:

#### JOINT RESOLUTION

for the purpose of requesting appropriate action by Congress, acting by consent of 2/3 of both houses to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

Amend the resolution by striking out paragraph 6 and inserting in place thereof the following:

WHEREAS, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever 2/3 of both houses deem it necessary; and

Amend the resolution by striking out the third paragraph after the resolving clause and inserting in place thereof the following:

RESOLVED, that this body also proposes that the legislatures of each of the several states comprising the United States apply, to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; and be it further

Rep. Eaton requested the Clerk dispense with the reading of the amendment and explained his amendment.

Rep. Chandler spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 1070, relative to filing a statement of declaration in connection with the real estate transfer tax.

Majority: Refer to the Committee on Municipal and County Government for Interim Study. Rep. Mann for Municipal and County Government. Minority (Reps. Davis, Burke, Perkins, Neil McIver, Paradis, Timothy O'Connor, LaBonte, Pepitone, Bednar, Boisvert, Drewniak and Callahan): Ought to Pass.

Majority: The majority could not see the need for this bill or its justification.

Minority: The committee voted 9-8 - Ought to Pass. The chairman voted against the motion causing a tie vote.

On the motion to send to Interim Study, the committee voted in the majority - no roll call vote taken.

The Minority is of the opinion that the bill Ought to Pass because:

1. It will alleviate the burden at the local level to read each individual deed to determine what was being deeded and at what price, thus saving great sums of money at the local level.
2. It will enable the Department of Revenue Administration to audit each sale and arrive at more scientific equalized valuation plus resulting in large savings in that department in manpower.
3. More realistic purchase of transfer tax stamps will result because the declaration by the buyer and seller will be executed under penalty of perjury.

Rep. Bednar moved that the Minority report, Ought to Pass, be substituted for the Majority report, Inexpedient to Legislate.

Rep. Greene requested a quorum count. The Speaker declared a quorum present.

Rep. Bednar withdrew his motion and moved that HB 1070 be laid upon the table. Adopted.

HB 741, requiring complete fiscal responsibility in the decommissioning of nuclear facilities by operating utilities. Ought to Pass with Amendment. Rep. Taylor for Science and Technology.

Rather than embark upon an extensive program for the setting aside of substantial utility company funds in some sort of long-term trust, without knowing the ramifications concerning such things as capital gains and effect upon the rate base, the Committee thought it best to amend the bill to establish a special study committee comprised of members with expertise in finance and utility law to look much more closely into this subject. The Committee amendment sets up this special study committee.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a study committee to determine financing methods and requirements for the decommissioning of nuclear power facilities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee Established.

I. There is hereby established a study committee to determine financing



methods and requirements for the decommissioning of nuclear power facilities.

II. The 7 member committee shall be composed as follows:

(a) one member of the house science and technology committee nominated by the chairman of said committee and appointed by the speaker of the house.

(b) two members of the house of representatives appointed by the speaker of the house, one of whom shall be a member of the house appropriations committee and designated by the chairman of said committee.

(c) one member of the senate finance committee appointed by the president of the senate.

(d) one member designated by the public utilities commission.

(e) one member of the public service company of New Hampshire appointed by the president of said company.

(f) one member appointed by the governor who shall be experienced in the management of trusts.

III. The chairman of the committee shall be elected by the committee members by a majority vote.

IV. The committee shall develop legislation to require complete fiscal responsibility in the decommissioning of nuclear power facilities by the operating utilities. Such legislation shall provide for, among other things, the establishment of a decommissioning financing committee and the duties thereof. The proposed legislation to be submitted shall be in finished form, suitable for introduction and shall specifically address the following concerns:

(a) the most cost-effective method of providing payments into the fund during the energy-producing period of the nuclear power facility.

(b) flexibility to adjust the funding requirements in response to future scientific, medical, and technological findings.

(c) particular attention shall be given to assure the integrity and liquidity of the fund to protect the fiscal stability of the state of New Hampshire and its citizens.

(d) such legislation shall apply to any nuclear facility sited in New Hampshire.

V. The committee shall submit its final report and proposed legislation to the general court not later than November 1, 1978.

VI. The committee members shall receive no compensation but the legislative members shall be entitled to legislative mileage.

2 Effective date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 1083, establishing lifeline electric utility rates and mandating marginal cost pricing and time of day

rates. Ought to Pass with Amendment. Rep. Taylor for Science and Technology.

This bill in its original form mandated the implementation of "lifeline" electric rates and "marginal pricing" of electrical rates. It would have taken effect 2 months after enactment and would have required implementation three months after that.

There are more than a quarter-million electric users in New Hampshire. Implementation would involve new hardware by electric utilities and revised rate schedules among other changes. Thus the committee felt that considerably more time for putting the provisions of the act into effect were needed.

The amendment takes out "lifeline" rates over which there is considerable disagreement among experts and inserts the time of day pricing concept over marginal pricing.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to time-of-day electric utility rates.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Electrical Utilities; Mandating Time-of-Day Rates. Amend RSA 378 by inserting after section 7 the following new subdivision:

#### Electric Utility Rates

378:7-a Residential Customer. Any residential customer who uses electricity shall be charged a rate per kilowatt hour based on costs to the electric utility to be determined according to the provisions of RSA 378:7-b.

378:7-b Time-of-Day Rates Defined and Mandated. Electric utility rates shall reflect the costs imposed by differing levels of demand for electrical energy at different times of the year, day and hour. Time-of-day rates or electricity shall require commission approval, and no electric utility shall exceed the allowable rate of return set by the commission under such time-of-day rates.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Implementation Time Table. Any and all revisions of electric utility rate structures required by this act shall be implemented by July 1, 1978.

Amendment adopted.

Ordered to third reading.

HB 917, relative to the licensing of blind persons to operate vending facilities. Inexpedient to Legislate. Rep. Collins for State Institutions.

It is again the Randolph Shepard Act. Any further dilution of this would be unfavorable.



Resolution adopted.

HB 1086, changing the name of the New Hampshire home for the elderly to the Glencliff Center; transferring the Glencliff Center from the division of public health to the division of mental health, and providing for a direct admissions procedure to the Glencliff Center. Ought to Pass with Amendment. Rep. Rich for State Institutions.

The bill changes the name of the New Hampshire Home for the Elderly to the Glencliff Home for the Elderly and transfers this operation from the Division of Public Health to the Division of Mental Health.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

changing the name of the New Hampshire home for the elderly to the Glencliff home for the elderly; and transferring the Glencliff home for the elderly from the division of public health to the division of mental health.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Hampshire Home for the Elderly. Transfer of Functions, Powers, Duties. All the functions, powers, duties, personnel, records and property of the New Hampshire home for the elderly are hereby transferred to the Glencliff home for the elderly. Whenever reference is made to the New Hampshire home for the elderly in the statutes, it shall henceforth be construed to mean the Glencliff home for the elderly.

2 New Hampshire Home for the Elderly. Statutory References Amended. Amend the following sections of RSA by striking therefrom the words "New Hampshire home for the elderly" or "superintendent of the New Hampshire home for the elderly" and inserting in place thereof the following (Glencliff home for the elderly) or (superintendent of the Glencliff home for the elderly), as the case may be, so that the same shall refer to the Glencliff home for the elderly or the superintendent of the Glencliff home for the elderly; RSA 8:40, RSA 10:1; RSA 94:1-a; RSA 94:5; RSA 94:8; RSA 99:12, RSA 99:13; RSA 138-A:2; RSA 138-A:5; RSA 138-A:7.

3 Administration of Glencliff home for the elderly; Transfer. Amend RSA 138-A:3 (supp) as inserted by 1970, 4:1 by striking out said section and inserting in place thereof the following:

138-A:3 Administration. The director of the division of mental health within the department of health and welfare shall be a corporation, known as Director, Glencliff home for the elderly with power to sue upon any contract to which it is by law authorized to be a party; to manage and control the property and concerns of the Glencliff home for the elderly; to appoint with the approval of the

commissioner of health and welfare a superintendent. If the superintendent is not a physician, there shall be a classified resident senior physician. The director of the division of mental health shall also, in accordance with the state personnel regulations, and within the limits of available appropriations and funds, appoint such assistants as he may, from time to time, deem necessary or proper; to take and hold in trust for the state any grant, devise, bequest or donation of property for the use of the Glencliff home for the elderly for the maintenance or help of any resident or residents therein; and to adopt with the approval of the commissioner of health and welfare such bylaws and rules as he may deem necessary or proper for the management of the business affairs and the government of the Glencliff home for the elderly. The commissioner of health and welfare, as authorized by RSA 126-A:2, may carry out such transfers as are necessary to implement for foregoing provisions.

4 Charges for Support. Amend RSA 138-A:4 (supp) as inserted by 1970, 4:1 by striking out said section and inserting in place thereof the following:

138-A:4 Charges for Care.

1. The charges for the support of the residents of the Glencliff home for the elderly who are able to pay for their care and treatment shall be fixed by the director, division of mental health in consultation with the comptroller as provided in RSA 8:40 through 46.

11. The charges for the support of the tuberculous patients in hospitals or nursing homes as contracted for pursuant to RSA 138-A:8 who are able to pay for their care and treatment shall be fixed by the director, division of public health services.

5 Admissions Eligibility Provisions Changed. Amend RSA 138-A:5 (supp) as inserted by 1970, 4:1 by striking out said section and inserting in place thereof the following:

138-A:5 Admission by Transfer. The director of the division of mental health may transfer a resident of the New Hampshire hospital to the Glencliff home for the elderly if he believes it to be in the resident's best interest provided the resident consents and his relatives or guardian, if any, consent to the transfer.

6 Transfers of Funds, Personnel, Property, etc. All monies appropriated to the director of the division of public health services for the Glencliff home for the elderly, formerly known as the New Hampshire home for the elderly, and all monies available to said director for said Glencliff home for the elderly from any source except for the care and treatment of tuberculous patients pursuant to RSA 138-A:8 are hereby transferred to the director of the division of mental health. The corporation known as the Director, Glencliff home for the elderly, formerly known as Director, New Hampshire home for the elderly, together with all of its personnel, property and records in the

division of public health services is hereby transferred to the division of mental health. The transfer provided for herein shall not eliminate any existing position within the classified service unless said position is vacant, or, if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure. No permanent classified state employee shall be required to take an examination to remain in his position. Unclassified employees in the Glencliff home for the elderly, formerly known as the New Hampshire home for the elderly, shall also be transferred and no vacancies in such positions are created by this act.

7 Repeal. RSA 138-A:6 relative to a post-transfer trial period for residents of the New Hampshire home for the elderly is hereby repealed.

8 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Referred to Appropriations.

HB 1087, to extend the voluntary commitment of certain patients at New Hampshire hospital. Ought to Pass with Amendment. Rep. Howard for State Institutions.

This bill requested by New Hampshire hospital, permits patients at Mental Health facilities whose commitments were rendered null and void by the transitional provisions of 1973, 556:7 to be admitted for care on a voluntary basis for no longer than a continual period of four years, rather than the two year maximum in the general law.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 753, prohibiting certain tires on any way in this state between May 1 and November 1. Inexpedient to Legislate. Rep. James Murray for Transportation.

Because of the tremendously varied weather conditions in the state and the small number of people this bill addresses, the committee feels HB 753 should be inexpedient to legislate. This bill would be an unnecessary and arbitrary limit on the people of New Hampshire.

Resolution adopted.

HB 807, authorizing the commissioner of safety to grant police powers to title investigators. Inexpedient to Legislate. Rep. James Murray for Transportation.

After lengthy discussion on HB 807, the committee found that the granting of police powers to title officers would cost the state money and be a more complex procedure than its

worth. The problems of controlling "special" police powers and raising title officers a classification grade to fulfill police requirements makes this idea a cost to the state not an asset.

Resolution adopted.

HB 820, relative to the seating capacity of motor carriers of passengers classified as taxicabs. Inexpedient to Legislate. Rep. James Murray for Transportation.

This bill defines taxicabs as motor vehicles for hire that have a seating capacity of 12 persons instead of the present 7. The committee feels that this taking of jurisdiction of vehicles for hire carrying between 7 and 12 people from the PUC and giving it to the municipalities would only create inconsistent regulation. In light of the current concern for mass transportation, the committee feels that all vehicles for hire carrying between 7 and 12 passengers should be regulated consistently by the PUC. Resolution adopted.

HB 863, relative to certified copies of certificates of registration. Ought to Pass. Rep. James Murray for Transportation.

Under present practice, the certified copies of registrations used by town clerks do not contain important information needed in registration which is on the original copy of the registration. The committee feels this information should be put on the certified copy of a registration and HB 863 mandates this. Ordered to third reading.

HB 871, authorizing the sale of certain items at highway toll booths. Inexpedient to Legislate. Rep. James Murray for Transportation.

Discussion on this bill revealed that the selling of items at toll booths would lead to a clogging of traffic at these booths. Further, this authorization to sell may set a precedent which could lead to the toll booths being involved in a business they were not built for. Resolution adopted.

HB 2040, relating to the early registration of motor vehicles. Refer to the Committee on Transportation for Interim Study. Rep. James Murray for Transportation.

The committee feels that the idea of this bill is good and yet is complex enough to demand further study. Hopefully it will be thoroughly studied in an interim committee. Adopted.

HB 584, imposing a tax on capital gains. Refer to the Supreme court for and advisory opinion. Rep. McLane Ways and Means.

Adopted.

The Committee on Ways and Means offered a Resolution.

#### House Resolution No 41

requesting an opinion of the justices.

WHEREAS, there is presently pending before the House of Representatives House Bill 584, an act imposing a tax on capital gains; and

WHEREAS, House Bill 584 would impose a 5 per cent tax on the net income of resident individual taxpayers derived from the sale or exchange of capital assets as determined by reference to federal law; and

WHEREAS, RSA 77 (commonly known as the Interest and Dividends Tax) presently imposes a 4-1/4 per cent tax on the gross income of resident individual taxpayers (among others) derived from the receipt of certain interest and dividends; and

WHEREAS, House Bill 584 proposes, by various exemptions - including an exemption for capital gains produced by the sale of the principal residence of a person sixty-five years of age or older - by a provision for the non-recognition of gain, by a provision for abatement of taxes "for good cause" and by certain tax credits, to minimize the burden of this tax on those persons whom the legislature judges least able to pay or upon whom the legislature has determined it would be unfair to impose this new tax burden; and

WHEREAS, the imposition of the tax proposed in House Bill 584 raises important questions of constitutional law

Now Therefore Be It Resolved that the Justices of the Supreme Court be respectfully requested, upon this solemn occasion, to give their opinion upon the following important questions of law:

1. May net income derived from the sale or exchange of capital assets be taxed at a rate differing from the rate of tax imposed on gross income derived from the receipt of certain interest and dividends?

2. If the answer to the first question is "yes", must the rate of such a tax be uniform with the rate of any other state tax now levied, such as the Business Profits Tax?

3. Would any constitutional provision be violated by the exemptions contained in sections 2 (II), 5 and 7 (I) of the proposed statute, by the non-recognition provision in section 3 (I) of the proposed statute, by the credit provided for in section 6 of the proposed statute, or by the abatement provision in section 12 of the proposed statute?

4. In all respects other than those to which the preceding questions relate, is House Bill 584 constitutional on its face?

Be It Further Resolved, that the Clerk transmit ten copies of this resolution and of HB 584 to the Clerk of the Supreme Court for consideration by the Court.

The Assistant Clerk read the resolution.

Adopted.

HB 596, amending the real estate transfer tax. Ought to Pass with Amendment. Rep. McLane for Ways and Means. This bill establishes a \$20. fee on each real estate transfer. It is estimated the fee will raise \$800,000 in new revenue for the general fund. The vote of the Committee was unanimous.

Rep. McLane moved that HB 596 be made a Special Order for Thursday, May 12, and spoke to her motion.

Adopted.

HB 1082, relative to a utility's liability for nuclear accidents. Without Recommendation. Rep. Taylor for Science and Technology.

Rep. Taylor moved that HB 1082 be Inexpedient to Legislate.

Adopted.

HBI 2019, relating to repairs to entrance and exits at Salem liquor store No. 34. Without recommendation. Rep. Marshala for Public Works.

Rep. James White moved that HBI 2019 be Referred to the Committee on Public Works for Interim Study.

Rep. Ganley spoke in favor of the motion.

Adopted.

HB 560, providing for community alcoholism services and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations. This million dollar new program is on a community level. Further development of community health centers should address this program.

Rep. Knight moved that HB 560 be laid upon the table.

Adopted.

HB 514, establishing a number of positions in the division of welfare to investigate child abuse and neglect cases, and making an appropriation therefor. Recommended but to be laid on table because not funded. Rep. Tucker for Appropriations.

Additional staff should be handled within the budget if additional positions can be funded. First consideration of welfare staffing would go to this area.

Rep. Eugene Daniell moved that the words, Ought to Pass, be substituted for the committee report, Recommended but to be laid on table because not funded, and spoke to his motion.

Reps. Hough, Tucker and Michael Hanson spoke against the motion.

Reps. Rice and Copenhaver spoke in favor of the motion.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted.



Rep. Daniell requested a roll call.  
Sufficiently seconded.

(Speaker presiding)  
YEAS 158 NAYS 178  
YEAS 158

BELKNAP: Bowler, Gary Dionne, Hildreth, Morin, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Roderick Allen, Claflin, Found and Towle.

CHESHIRE: Dostilio, Galloway, Matson, Parker, Proctor, Russell, Terry, Vrakatitsis and Terry Wiggan.

COOS: Cooney, Bradley Haynes, Hunt, George Lemire, Oleson, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Duhaime, Stomberg, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Barrett, Belanger, Bernier, Bosse, Brody, Carswell, Coburn, Corser, Margaret Cote, Coutermarsh, Currier, Catherine-Ann Day, Arline Dion, Joseph Eaton, Gabrielle Gagnon, Girolimon, Sal Grasso, Cort Hansen, Head, George Healy, Kaklamanos, LaFleur, LaPlante, Armand Lemire, Madigan, Martin, McGlynn, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Kerry O'Connor, Orcutt, Pappas, Paradis, Plomaritis, Seamans, Simard, Edward Smith, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Welch, Robert Wheeler, James J. White and Cecelia Winn.

MERRIMACK: Carroll, Eugene Daniell, LaBonte, McNichol, Mullin, Pelton, Plourde, Pratt, Ralph, Rice, Rich, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Blake, Blanchette, Carpenito, Collins, Connors, Cotton, Danforth, Robert Day, Dunfey, Ganley, Grieco, Krasker, Laycock, Maynard, Donna McEachern, Niebling, Parolise, Pucci, Quimby, Rogers, Rossley, Sanborn, Alfreda Smith, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Morrisette, Rod O'Connor, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, Frizzell, Ingram, Lewko, Spaulding and Sara Townsend.

NAYS 178

BELKNAP: Ambrose, Beard, Marshall French, Michael Hanson, Mansfield, Marsh, James Murray and Sanders.

CARROLL: Howard, Keller and Kenneth Smith.

CHESHIRE: Callahan, Daniel Eaton, Faucher, Fillback, Anne Gordon, Irvin Gordon, Elmer Johnson, Krause, Marshala, Moore, Margaret Ramsay, Scranton and Whipple.

COOS: Burns, Horton, Huggins, Keough, Patenaude, Mabel Richardson and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taylor, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Bednar, Brack, Bridges, Burke, Colson, Mark Connolly, Joseph Cote, Coughlin, Crotty, Cullity, William Desmarais, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Nancy Gagnon, Gelinas, Granger, Heald, Howard Humphrey, Karnis, Keefe, Lachance, Levesque, Lyons, Marcoux, McLaughlin, Nardi, Normand, Timothy O'Connor, O'Neil, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Leonard Smith, Soucy, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Laurent Boucher, John Cate, Chandler, Foley, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McLane, Packard, Arthur Perkins, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Waters and Wiviott.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Campbell, Chapman, Cummings, Cunningham, Davis, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Goff, Gould, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Nelson, Norton, Parr, Anthony Randall, Richards, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Vlack, Webster and Wolfesen.

STRAFFORD: Burchell, Canney, Horrigan, Joncas, Joos, Maloomian, Meader, Nadeau, Osgood, Preston, Sackett, Tripp and Allen Wilson.

SULLIVAN: Barrus, Desnoyer, Gray, LeBrun, Palmer, Scott, Tucker and George Wiggins, and the motion lost.

Rep. Dickinson wished to be recorded against the motion, Ought to Pass.

HB 514 was laid upon the Table.

HB 431, increasing the salaries of the operating staff of the university system and making an appropriation therefor. Inexpedient to Legislate.

Salary adjustments are the responsibility of the university trustees. Inasmuch as this requested budget was cut from \$61 million to \$45 million any salary increases appear impossible.



Rep. Chambers moved that HB 431 be made a Special Order for Tuesday, May 17.

Rep. Tucker spoke in favor of the motion.

Adopted.

HB 548, paying the town of Plymouth for fire protection rendered Plymouth state college and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

Although we are very sympathetic toward the taxpayers of Plymouth, the Committee feels this is a matter which should be resolved by the college and the trustees of the university system.

Rep. Dearborn moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Dearborn withdrew his motion, and moved that HB 548 be laid upon the table.

Adopted.

HB 549, paying the town of Plymouth for incinerator services rendered to Plymouth state college and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

Although we are very sympathetic toward the taxpayers of Plymouth, the Committee feels this is a matter which should be resolved by the college and the trustees of the university system.

Rep. Dearborn moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate and spoke to his motion.

Rep. Neil McIver spoke in favor of the motion.

Rep. Dearborn withdrew his motion, and moved that HB 549 be laid upon the table.

Adopted.

HB 929, giving municipalities the option to designate certain areas within their jurisdiction as critical and to permit development therein when in accordance with protective standards. Ought to Pass with Amendment. Rep. Rogers for Environment and Agriculture.

The amendments are minor clarifications except that prime agricultural lands are omitted because of the impossibility of providing proper compensation. This is an extremely important problem which is being addressed by other legislation (HB 20, HB 44 and HB 244). Eventually an appeals board may need to be established to oversee this act. The board established under HB 603 could easily serve this purpose.

#### Amendment

Amend RSA 31:118 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

31:118 Critical Resource Area Eligibility Defined; Criteria Established. Each of the following areas

is eligible for designation as a critical resource area:

#### I. Critical coastal areas:

(a) Criteria. There is both a local and a statewide interest in protection and beneficial and compatible use of certain coastal areas because they possess ecological characteristics which are in delicate balance or are highly susceptible to impairment or destruction by incompatible development and because they:

(1) Provide a variable transition area between high land and estuarine waters; and

(2) Prevent erosion, flood, wind and storm damage.

(b) Definition. Critical coastal areas eligible for designation as a critical resource area include:

(1) Banks and shores of estuarine waters and coastal wetlands, not otherwise regulated under state law;

(2) Barrier dunes and beaches.

#### II. High ground:

(a) Criteria. There is both a local and a statewide interest in protection and beneficial and compatible use of certain high ground because:

(1) Its geological characteristics increase the complexity of development and require well-defined regulations to protect the public health and safety; or

(2) Its incompatible use poses threats of soil erosion, stream and river sedimentation and flooding from greater and more rapid runoff; or

(3) It offers passive and active recreational opportunities for citizens of the state and visitors to it; or

(4) It harbors native plant or animal communities of significant educational or scientific value; or

(5) It is considered as a traditional landmark; it gives character to a region.

(b) Definition. High ground eligible for designation as a critical resource area includes those areas of high elevation within a municipality or unincorporated place which meet any of the criteria of subparagraph (a) hereof.

#### III. Flood hazard areas:

(a) Criteria. There is both a local and a statewide interest in protection and beneficial and compatible use of flood hazard areas because:

(1) They are particularly suitable for the growth of crops; or

(2) They harbor native plant or animal communities of significant educational or scientific value; or

(3) They limit downstream flood damage by providing floodwater storage;

(4) Incompatible uses within such areas may result in costly human and economic dislocation.

(b) Definition. Flood hazard areas eligible for designation as a critical resource area include areas designated as flood hazard areas by the most current maps or flood profiles based upon studies of prior floods on such lands, prepared by the United States corps of engineers, or the United States geodetic survey, or

United States soil conservation service or successor organizations, or areas which would be flooded as a result of a one hundred year storm as that storm is defined in the United States department of commerce technical paper no. 40, or areas which have been designated in a town or city ordinance as part of a one hundred year flood plain.

#### IV. Watershed areas:

(a) Criteria. There is both a local and a statewide interest in protection and beneficial and compatible use of watershed areas because they are significantly related to what is or may become a primary source of water for general human consumption.

(b) Definition. Watershed areas eligible for designation as a critical resource area are recharge areas and areas in or near public water supplies, whether surface waters or ground waters, as designated by the municipality based upon available data from state, municipal or federal agencies.

#### V. Properties of historical significance:

(a) Criteria. There is both a local and a statewide interest in protection and beneficial and compatible use of properties of historical significance because:

(1) The historical, archaeological, cultural, and architectural heritage of the state is one of its most vital assets; and

(2) This heritage is an essential ingredient of the tourist and satellite industries which foster the economic vitality of the state and its citizens; and

(3) Preservation of this heritage as a living part of the community life of the state provides a sense of continuity and orientation to the citizens of the state and promotes the public welfare.

(b) Definition. Properties of historical significance eligible for designation as a critical resource area include buildings, structures, objects, districts, or sites important to the history, architecture, archaeology, and culture of this state, its communities or the nation, including sites or landmarks listed in the national register of historic places.

#### VI. Rare and valuable natural areas:

(a) Criteria. There is both a local and a statewide interest in protection and beneficial and compatible use of rare and valuable natural areas because they:

(1) Offer educational and passive recreational opportunities for citizens of the state and visitors to it; or

(2) Provide rich scientific laboratories for the study of the relationship between man and nature; or

(3) Provide rare, unspoiled examples of nature as it existed in the beginnings of the state; or

(4) Possess a fragile ecology developed over long periods of time which could easily be impaired or destroyed by incompatible development.

(b) Definition. Rare and valuable areas eligible for designation as a critical resource area include areas listed by the New England Natural Areas Project and any other areas:

(1) That have not been significantly altered by man; and

(2) That harbor native plant or animal communities of significant educational or scientific value or that exhibit natural features of significant educational or scientific value.

Amend RSA 31:119, I and II as inserted by section I of the bill by striking out same and inserting in place thereof the following:

#### 31:119 Municipal Option to Designate Critical Resource Areas.

I. On or before January 1, 1979, each municipal planning board shall identify such areas within the municipality as are described in RSA 31:118, I-VII and shall propose such areas for designation as critical resource areas. In a town without a planning board, such identifications and proposals shall be by the board of selectmen or their designees: in a city without a planning board, the city council shall designate persons who shall make such identifications and proposals. The governmental entity required under this paragraph to make such identifications and proposals may require the municipal conservation commission to assist it in identifying or mapping such areas within the municipality as are described in RSA 31:118, I-IV. In a town proposals under this paragraph shall be treated in the manner prescribed by RSA 31:63-a and RSA 31:63-b; in a city, proposals under this paragraph shall be treated in the manner prescribed by procedures adopted pursuant to RSA 31:63.

II. From time to time thereafter, on resolution of the planning board or on petition of 25 persons who vote or are owners of record of land within the municipality, one or more of such areas within the municipality as are described in RSA 31:118, I-IV, and as are not already designated critical resource areas, may be identified and proposed for designation as critical resource areas. In a town, proposals under this paragraph shall be treated in the manner prescribed by RSA 31:63-a and RSA 31:63-b; in a city, proposals under this paragraph shall be treated in the manner prescribed by procedures adopted pursuant to RSA 31:63.

Amend the introductory paragraph of RSA 31:119, IV as inserted by section I of the bill by striking out same and inserting in place thereof the following:

The legislative body of each municipality shall vote on whether to designate the proposed areas as critical resource areas and to adopt the proposed protective regulations. Any proposal may call for:

Amend RSA 31:119, VI, as inserted by section I of the bill by striking out same and inserting in place thereof the following:

VI. The boundaries of any critical resource area or any protective regulation for a critical resource area may be amended or repealed in the manner prescribed by RSA 31:63-a and RSA 31:63-b.

Amend the introductory paragraph of RSA 31:121, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

No such permit nor any other municipal development permission for development in such area may be approved unless the proposed development conforms to applicable protective regulations and will not result in an unreasonable:

Amend RSA 31:124 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

31:124 Eligibility for Open Space Assessment. Any area designated as a critical resource area under this subdivision shall, on application by the owner, qualify for open space land assessment under RSA 79-A regardless of its acreage. For purposes of classification under RSA 79-A:2, properties of historical significance, excluding structures, shall be deemed "wild land" on which there are not detrimental structures, and any other area designated as a critical resource area shall be deemed that class of open space land which it most closely resembles. All such critical resource areas shall be subject to the provisions of RSA 79-A; provided, however, that RSA 79-A:5, II, requiring annual reapplications, shall not apply to any such area; and provided further, that RSA 79-A:7, imposing a land use change tax, shall not apply to any such area if it remains undeveloped or is developed only in a manner exempted under RSA 31:122 or authorized in development permission under RSA 31:121.

Amend RSA 31:128, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Whoever, within a municipality, violates RSA 31:121, I, any regulation for a critical resource area, or any term of a permit issued pursuant to RSA 31:121 shall, on petition by the municipality, be subject to an injunction by the superior court and to a civil penalty not to exceed \$100,000. If a municipality prevails in any action brought under this paragraph, it shall be awarded costs and attorney's fees. The proceeds of any civil penalty imposed under this paragraph shall be used by the municipality to restore the affected area or shall be placed in the state's general fund.

Rep. Joseph Cote moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

(Rep. Plourde in the Chair)

Rep. Niebling spoke against the motion.

(Speaker in the Chair)

Reps. Nelson and George Wiggins spoke in favor of the motion.

Reps. Blakeney, Chambers and Greene spoke against the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Rep. Joseph Cote requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 130 NAYS 202

YEAS 130

BELKNAP: Mansfield, Marsh, Morin, James Murray, Kenneth Randall and Sanders.

CARROLL: Howard, Keller and Kenneth Smith.

CHESHIRE: Callahan, Faucher, Fillback, Galloway, Irvin Gordon, Elmer Johnson, Marshala and Whipple.

COOS: Burns, Cooney, Huggins, Keough, Oleson, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Myrl Eaton, LaMott, Logan, Mann, Pepitone, Rounds, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Barrett, Wilfrid Boisvert, Bridges, Burke, Coburn, Joseph Cote, Coughlin, Crotty, Currier, William Desmarais, Drewniak, Dupont, Clyde Eaton, Karnis, Lachance, Levesque, Lyons, Madigan, Marcoux, McLaughlin, Morgan, Timothy O'Connor, Paradis, Arnold Perkins, Henry Richardson, Seamans, Sing, Soucy, Stylianos, Kevin Sullivan, Harold Thomson, Geraldine Watson, Emma Wheeler, James J. White and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, Chandler, Richard Hanson, Polly Johnson, Packard, Pratt, Shepard, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Akerman, Barka, Collins, Cunningham, Cutliffe, Danforth, Davis, Robert Day, Felch, Beverly Gage, Goff, Kashulines, King, Lovejoy, Nelson, Norton, Pucci, Anthony Randall, Richards, Scamman, Schwaner, Stratton, Tavitian, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Canney, Donnelly, Joncas, Joos, Lefavour, Maloomian, Nadeau and Preston.

SULLIVAN: Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Palmer, Scott and George Wiggins.

NAYS 202

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Nighswander and Sabow.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Kenneth MacDonald and Towle.



CHESHIRE: Close, Dostilio, Daniel Eaton, Anne Gordon, Krause, Matson, Moore, Parker, Proctor, Russell, Scranton, Terry, Vrakatis and Terry Wiggan.

COOS: Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Patenuade, Poulin, Mabel Richardson, Theriault, Willey, Wiswell and Neila Woodward.

GRAFTON: George Cate, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Gemmill, McAvoy, Stomberg, Taffe, Taylor, Ward and Michael Woodward.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Belanger, Bosse, Brack, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Cullity, Catherine-Ann Day, L. Penny Dion, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Cort Hansen, Head, Heald, George Healy, Howard Humphrey, Kaklamanos, Keefe, LaFleur, Martin, McDonough, McGlynn, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Podles, Simard, Edward Smith, Leonard Smith, St. George, Stahl, Francis Sullivan, Van Loan, Wallace, Wallin, Welch, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Hess, James Humphrey, LaBonte, Donna MacIvor, McLane, Mullin, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Chapman, Cummings, Dunfey, Erler, Flanagan, Carl Gage, Ganley, Gould, Greene, Griffin, Hartford, Hoar, Kane, Krasker, Laycock, Maynard, Donna McEachern, Niebling, Parolise, Parr, Quimby, Rogers, Rossley, Sanborn, Skinner, Stimmell, Vlack, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Horrigan, Kelly, Kincaid, Lessard, Maglaras, Meader, Morrisette, Rod O'Connor, Osgood, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Frizzell, Lewko, Spaulding, Sara Townsend and Tucker, and the motion lost.

Amendment adopted.

Ordered to third reading.

Rep. Neil McIver wished to be recorded against the motion Inexpedient to Legislate.

HB 539, relative to the disclosure of potential conflict of interest by public servants, establishing a state ethics commission and making an appropriation therefor. Inexpedient to Legislate Rep. Close for Executive Departments and Administration.

Subject matter covered by other legislation, HB 1121.

Rep. Ward moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion and subsequently withdrew her motion.

Rep. Trachy moved that HB 539 be laid upon the table.

Adopted.

HB 1121, relative to public ethics. Ought to Pass with Amendment. Rep. Carroll for Executive Departments and Administration.

This bill, as amended, provides an effective and accountable process of financial disclosure for elected state officials and certain unclassified employees. It establishes an ethics commission to enforce disclosure procedures and to oversee violations of this chapter. Appeal will be to the Superior Court of New Hampshire.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 91-A the following new chapter:

#### CHAPTER 91-B

##### Public Ethics

##### 91-B:1 Purpose.

I. Every person acting in the name and on behalf of the public, exercises a public trust and owes the public a corresponding duty to make every effort to insure that the authority conferred upon him is exercised as impartially as human nature will allow. It is the intention of the legislature and the purpose of this chapter to promote public confidence in the impartiality of public servants and the integrity of public transactions and decisions by requiring public servants to consider and disclose potential conflicts between their public duties and their financial interests.

II. The procedures established in this chapter are intended to reconcile the principle of disinterested public service with the virtually unpaid character of public service in this state. It is the intention of the legislature that the provisions of this chapter shall be interpreted in such a way as to expose to public scrutiny every occasion on which the impartiality of public decision-makers may reasonably be questioned; but it is equally the intention of this chapter that the public shall not be denied the experience and judgment of any public official who, having identified for the record a potential conflict between his financial interests and his public duties, shall have then set forth his belief, and the reasons supporting his belief, that he can reconcile the two without impairing the integrity of the decision-making process of which he is a part.

##### 91-B:2 Definitions. In this chapter:



I. "Financial interest" means an interest held by an individual or his spouse which is:

- (a) An ownership interest in a business;
- (b) A creditor interest in a business;

or

(c) Any employment, or prospective employment for which negotiations have already begun.

II. "Public servant" means any officer of the state, including members of the general court, the governor and council and any unclassified employee of the state receiving a salary in excess of \$15,000 annually.

91-B:3 Disclosure Required.

I. All public servants shall, no later than 30 days after taking office or employment, file a statement identifying the following:

(a) All offices, directorships and employment of the public servant and his or her spouse.

(b) All financial interests, except interests in the form of savings or checking accounts or share accounts in banking institutions, of the public servant, and his or her spouse in excess of \$5,000, by category only, for example "utility stock" or "real estate".

(c) All financial interests of the public servant, and his or her spouse, involving business with the state of New Hampshire in excess of \$2,000 worth of business within the past 2 years.

(d) All such statements shall be open to public inspection.

II. A statement shall be filed under this section even if the interest to be disclosed is no greater than that of any other member of the group to which the public servant belongs.

91-B:4 Filing. Statements of financial interest required by this chapter shall be filed with the following persons:

I. The secretary of state for persons in the executive branch of government.

II. The clerks of the house and senate respectively for members of those bodies.

91-B:5 State Ethics Commission; Members. There is hereby established, a state ethics commission composed of 7 members who shall elect one of their members chairman. Six of the members shall be appointed as follows: 2 appointed by the governor and council; one appointed by the chief justice of New Hampshire supreme court; 2 members of the house appointed by the speaker of the house, one from each party, and 2 members of the senate appointed by the president of the senate, one from each party.

91-B:6 Terms.

I. Members of the commission shall serve for terms of 5 years, except that of the members first appointed:

(a) two members appointed by the governor and council shall serve for 4 years;

(b) the 2 members appointed by the president of the senate shall serve for 3 years;

(c) the 2 members appointed by the speaker of the house shall serve for 2 years;

(d) the member appointed by the chief justice of the supreme court shall serve for one year.

II. No member shall be appointed to serve for more than one full 5-year term.

91-B:7 Restricted Activities. No person shall, while he is a member or employee of the commission;

I. With the exception of members of the general court, hold or campaign for any public office;

II. Hold office in any political party or political committee; or

III. Participate in or contribute to any political campaign.

91-B:8 Vacancy. Any vacancy on the commission shall be filled within 60 days in the same manner as the original appointment. A person appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he succeeds, and is eligible for appointment to one full 5-year term thereafter.

91-B:9 Vice-Chairman. The commission shall elect a vice-chairman who shall act as chairman in the absence of the chairman or in the event of a vacancy in that position.

91-B:10 Voting; Meetings. Four members of the commission shall constitute a quorum, and the votes of a majority of the members present are required for any action or recommendation of the commission. The chairman or any 4 members of the commission may call a meeting, provided that advance written notice is mailed to each member and to any person who requests notice of such meetings.

91-B:11 Compensation. Members of the commission shall serve without compensation.

91-B:12 Procedure.

I. Upon receipt of a written complaint alleging a violation of this chapter, the commission shall have the power to investigate such complaint. In furtherance of said investigation the commission shall have the power to compel the attendance of witnesses, require the production of documentary evidence and take oral or written evidence under oath or affirmation.

II. Any such complaint filed with the commission shall be a statement in writing under oath which shall include the name of the person alleged to have committed the violation who shall be known as the respondent and which shall set forth in detail the specific act or acts complained of.

III. Any person subject to the provisions of this chapter may request the commission to furnish an advisory opinion as to whether any activity contemplated by such person would, in the opinion of the commission, be in violation of the provisions of this chapter.

91-B:13 Findings. Upon receipt of complaint the commission shall notify the

respondent and mail or deliver a copy of the complaint with the complainant's name to the respondent. If the commission determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of this chapter, it shall dismiss the complaint and notify the complainant and the respondent. If the commission determines that the verified complaint alleges facts sufficient to constitute a violation of any of the provisions of this chapter, the commission shall promptly investigate the allegations contained in the complaint and make a finding on the complaint and any amendment thereto. If the commission finds that probable cause exists to support the allegations of the complaint, its findings shall state in detail the violations complained of and the manner in which they occurred, and shall fix a time for a hearing on the matter which hearing shall be held not more than 30 days after the issuance of the finding. If the commission finds, after preliminary investigation that probable cause does not exist to support the allegations of the complaint, the committee shall dismiss the complaint. In either event, the commission shall notify the complainant and respondent of its action. If the commission finds probable cause exists which supports the allegations of the complaint, the respondent shall be entitled, no later than 30 days prior to the date of the hearing fixed by the commission, to examine and make copies of all evidence in the possession of the commission relating to the complaint.

91-B:14 Amendments. If the commission, in the course of its investigation, has probable cause to believe that violations of this chapter, other than those contained in the complaint, have been committed, it may on its motion amend the complaint to include such violations. If the complaint is so amended by the commission, a copy of the amendment shall be sent to the person complained of within 48 hours. Any action by the commission on such amendment shall be made part of the commission's findings.

91-B:15 Hearing. At any hearing called by the commission:

I. Oral evidence shall be taken only under oath or affirmation;

II. Each party shall have the right to be represented by legal counsel, to compel attendance of witnesses, to examine and cross-examine opposing witnesses, to introduce exhibits and otherwise to present matters to the commission relevant to the complaint;

III. The hearing shall be held in open session.

91-B:16 Results of Hearing; Penalties.

I. After the hearing, if the commission finds that none of the provisions of this chapter have been violated by the respondent, it shall dismiss all complaints and shall notify the respondent and complainant of its

action. After the hearing, if the commission finds that any of the provisions of this chapter have been violated, the commission may issue an order requiring the violator to:

(a) Cease and desist violation of this chapter;

(b) File any report, statement of information, as required by state law;

(c) Pay a civil penalty of not more than \$1,000 for each violation;

(d) Pay, in addition to any other penalty prescribed by law, a sum of money equal to 3 times the financial gain resulting from such violation.

II. The findings of the commission shall be referred to the below listed bodies for appropriate action which may be impeachment, censure, suspension or dismissal from office or employment:

(a) if the respondent is a member of the general court, the findings shall be filed with the clerk of the house or senate respectively.

(b) if the respondent is the governor or a council member, the findings shall be filed with the clerk of the house of representatives.

(c) if the respondent is an unclassified employee of the state receiving salary in excess of \$15,000, the findings shall be filed with the secretary of state.

91-B:17 Attorney Fees; Jurisdiction; Appeal.

I. The superior courts of this state shall have jurisdiction to issue injunctions to enforce the provisions of this chapter upon application by any citizen of this state. The court shall order payment of reasonable attorney fees and court costs to a successful plaintiff in any suit brought pursuant to this paragraph. If the court finds that an action brought pursuant to this paragraph was brought without reasonable cause, the court shall order the plaintiff to pay reasonable attorney fees and costs incurred by the defendant.

II. An appeal from any order of the state ethics commission issued under this chapter may be taken to the superior court for a hearing de novo.

2 Effective date. This act shall take effect January 1, 1979

Amendment adopted.

Rep. Close offered an amendment and requested to dispense with the reading of the amendment.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 91-A the following new chapter:

CHAPTER 91-B

Disclosure of Financial Interests by Public Servants

91-B:1 Purpose.

1. Every person acting in the name and on behalf of the public, exercises a public trust and owes the public a

corresponding duty to make every effort to insure that the authority conferred upon him is exercised as impartially as human nature will allow. It is the intention of the legislature and the purpose of this chapter to promote public confidence in the impartiality of public servants and the integrity of public transactions and decisions by requiring public servants to consider and disclose potential conflicts between their public duties and their financial interests.

II. The procedures established in this chapter are intended to reconcile the principle of disinterested public service with the virtually unpaid character of public service in this state. It is the intention of the legislature that the provisions of this chapter shall be interpreted in such a way as to expose to public scrutiny every occasion on which the impartiality of public decision-makers may reasonably be questioned; but it is equally the intention of this chapter that the public shall not be denied the experience and judgment of any public official who has identified for the record any potential conflict between his financial interests and his public duties.

91-B:2 Definitions. In this chapter:

I. "Financial interest" means an interest held by an individual or his spouse which is:

(a) An ownership interest in a business;

(b) A creditor interest in a business; or

(c) Any employment by a private employer.

II. "Public servant" means any officer of the state, including members of the general court, the governor and council and any unclassified employee of the state receiving a salary in excess of \$15,000 annually.

91-B:3 Disclosure Required.

I. All public servants shall, no later than 30 days after taking office or employment, file a statement identifying the following:

(a) All offices, directorships and employment of the public servant and his or her spouse.

(b) All financial interests, except interests in the form of savings or checking accounts or share accounts in banking institutions, of the public servant, and his or her spouse in excess of \$5,000, by category only, for example "utility stock" or "real estate".

(c) All financial interests of the public servant, and his or her spouse, involving business with the state of New Hampshire in excess of \$2,000 worth of business within the past 2 years.

II. Any change in the content of such statement shall be filed within 30 days after its occurrence.

III. All such statements shall be open to public inspection.

91-B:4 Filing. Statements of financial interest required by this chapter shall be filed with the following persons:

I. The secretary of state for persons in the executive branch of government.

II. The clerks of the house and senate respectively for members of those bodies.

91-B:5 Enforcement. Any person may petition the superior court in the county in which he resides for an injunction to compel obedience to the provisions of this chapter. The court may award reasonable costs and attorney's fees to a successful plaintiff if the court finds that the failure to make the disclosures required by this chapter was purposeful and unreasonable, and may award reasonable costs and attorney's fees to a defendant if the court finds that an action brought pursuant to this chapter was brought without reasonable cause.

2 Effective Date. This act shall take effect January 1, 1979.

Rep. Close spoke to his amendment.

Reps. Roderick O'Connor and Sara Townsend spoke in favor of the bill.

Rep. Carroll spoke against the Close amendment.

Rep. Parr moved that HB 1121 be indefinitely postponed.

The Speaker ruled the motion out of order.

Rep. Parr moved that further consideration of HB 1121 be laid upon the table.

Rep. Parr requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 78 NAYS 267

YEAS 78

BELKNAP: Sanders.

CARROLL: Howard, Kenneth MacDonald and Towle.

CHESHIRE: Daniel Eaton, Galloway, Elmer Johnson, Moore and Scranton.

COOS: Huggins, Hunt, Mabel Richardson, Alcide Valliere and York.

CRAFTON: Aldrich, Myrl Eaton, Logan, McCavoy, Pepitone and Glyneta Thomson.

HILLSBOROUGH: Barrett, Bernier, Bridges, Burke, Cullity, William Desmarais, Dupont, Joseph Eaton, Celinas, Karnis, Marcoux, McDonough, Morgan, Timothy O'Connor, Plomaritis, Stylianos and Ziakas.

MERRIMACK: Ayles, Bibbo, Chandler, Pratt, Doris Riley, Shepard, Gerald Smith and Doris Thompson.

ROCKINGHAM: Barka, Benton, Bisbee, Davis, Robert Day, Erler, Felch, Goff, Greene, Kashulines, Norton, Parolise, Parr, Richards, Schwaner, Tavitian, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Joncas, Kincaid, Lafavour, Nadeau, Preston and Tripp.



SULLIVAN: Brodeur, D'Amante, Desnoyer, Frizzell, LeBrun and Scott.

NAYS 267

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Marsh, Morin, James Murray, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Keller and Kenneth Smith.

CHESHIRE: Callahan, Close, Dostilio, Faucher, Fillback, Anne Gordon, Irvin Gordon, Krause, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Keough, George Lemire, Oleson, Patenaude, Poulin, Theriault, Willey, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Clark, Copenhaver, Cornelius, Dearborn, Duhaime, Gemmill, LaMott, Mann, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Belanger, Wilfrid Boisvert, Bosse, Brack, Brody, Carswell, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Keefe, Lachance, LaFleur, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Martin, McGlynn, McLaughlin, Morrison, Fred Murray, Nemzoff-Berman, Kerry O'Connor, O'Neil, Orcutt, Pappas, Arnold Perkins, Peters, Podles, Henry Richardson, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Soucy, St. George, Stahl, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Stockman, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Blake, Blanchette, Campbell, Carpenito, Chapman, Collins, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Danforth, Dunfey, Flanagan, Beverly Gage, Carl Gage, Ganley, Gould, Grieco, Griffin, Hartford, Hoar, Kane, King, Krasker, Laycock,

Lovejoy, Donna McEachern, Nelson, Niebling, O'Keefe, Pucci, Quimby, Anthony Randall, Rogers, Rossley, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Lessard, Maglaras, Maloomian, Meader, Morrisette, Rod O'Connor, Osgood, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Gray, Ingram, Lewko, Palmer, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Question being on the Close amendment.

Rep. George Wiggins spoke in favor of the Close amendment.

Rep. Bosse spoke against the Close amendment.

(Rep. Marshall French in the chair)

Rep. Roberts spoke in favor of the Close amendment.

Question being on the Close amendment.

(Speaker presiding)

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 133 NAYS 210  
YEAS 133

BELKNAP: Beard, Marshall French, Mansfield, Marsh, Morin, James Murray, Kenneth Randall and Sabbow.

CARROLL: Claflin, Dickinson, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Close, Faucher, Anne Gordon, Irvin Gordon, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell, Vrakatitsis and Whipple.

COOS: Burns, Fortier, Horton, Huggins, Theriault and York.

GRAFTON: George Cate, LaMott, Logan, McAvoy, Rounds, Snell, Taylor and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Bednar, Belanger, Bernier, Wilfrid Boisvert, Brack, Bridges, Colson, Mark Connolly, Joseph Cote, Margaret Cote, Joseph Eaton, Gelinas, Girolimon, Granger, Sal Grasso, Heald, LaPlante, Armand Lemire, Lyons, Madigan, Marcoux, Martin, Morgan, Fred Murray, Kerry O'Connor, Arnold Perkins, Plomaritis, Henry Richardson, Sing, Stylianos, Van Loan, James J. White and M. Arnold Wight.



MERRIMACK: Ayles, Laurent Boucher, John Cate, Milton Cate, Chandler, Richard Hanson, Hess, Donna MacIvor, McNichol, Arthur Perkins, Doris Riley, Stockman, Doris Thompson, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aller, Barka, Benton, Blake, Campbell, Chapman, Connors, Cunningham, Robert Day, Flanagan, Beverly Gage, Carl Gage, Ganley, Gould, Greene, Griffin, Hartford, King, Joseph McEachern, Nelson, Norton, Parr, Richards, Sanborn, Skinner, Stimmell and Webster.

STRAFFORD: Appleby, Walter Desmarais, Hebert, Horrigan, Lefavour, Osgood, Preston, Ruel and Tripp.

SULLIVAN: Ingram, Palmer, Scott, Spaulding, Tucker and George Wiggins.

NAYS 210

BELKNAP: Bowler, Gary Dionne, Michael Hanson, Hildreth, Nighswander and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Found, Howard and Towle.

CHESHIRE: Dostilio, Daniel Eaton, Fillback, Galloway, Elmer Johnson, Krause, Matson, Scranton, Terry and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Hunt, Keough, George Lemire, Patenaude, Poulin, Mabel Richardson, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Copenhagen, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Mann, Neil McIver, Pepitone, Stomberg, Taffe, Glynetta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Bosse, Brody, Burke, Carswell, Coburn, Corser, Coughlin, Coutermarsh, Crotty, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drowniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Cort Hansen, Head, George Healy, Howard Humphrey, Kaklamanos, Karnis, Keefe, Lachance, LaFleur, Levesque, McGlynn, McLaughlin, Morrison, Nemzoff-Berman, Normand, Timothy O'Connor, O'Neil, Orcutt, Pappas, Paradis, Peters, Podles, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, St. George, Stahl, Francis Sullivan, Kevin Sullivan, Harold Thomson, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Carroll, Eugene Daniell, Foley, James Humphrey, Polly Johnson, LaBonte, McLane, Mullin, Packard, Pelton, Plourde, Pratt, Ralph, Rice, Rich, Shepard, Gerald Smith, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, Blanchette, Carpenito, Collins, Cotton, Cummings, Cutliffe, Danforth, Davis, Dunfey, Erler, Felch, Grieco, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Donna McEachern, Niebling, O'Keefe, Parolise, Pucci, Quimby, Anthony Randall, Rogers, Rossley, Schwaner, Alfreda Smith, Splaine, Tavitian, Vlack, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Canney, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Joncas, Joos, Kelly, Kincaid, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, LeBrun, Lewko and Sara Townsend, and the amendment lost.

Rep. Head advised the clerk she voted Nay in error and wished to vote Yea on the Close amendment.

Question being on the adoption of the committee report.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 282 NAYS 64

YEAS 282

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Marsh, Morin, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found, Keller and Kenneth MacDonald.

CHESHIRE: Callahan, Close, Dostilio, Faucher, Fillback, Galloway, Irvin Gordon, Krause, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Terry, Whipple and Terry Wiggin.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Keough, George Lemire, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Clark, Copenhagen, Cornelius, Crory, Dearborn, Duhaime, Gemmill, Logan, Mann, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Barrett, Bednar, Belanger, Bernier, Wilfrid Boisvert, Bosse, Bridges, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Gabrielle Gagnon, Nancy Gagnon, Celinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Howard Humphrey, Kaklamanos, Keefe,

Lachance, LaFleur, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martin, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Pappas, Arnold Perkins, Peters, Plomaritis, Podles, Henry Richardson, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Soucy, St. George, Stahl, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Pratt, Ralph, Rice, Rich, Shepard, Gerald Smith, Stockman, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Chapman, Collins, Connors, Cotton, Cunningham, Cutcliffe, Danforth, Robert Day, Dunfey, Flanagan, Beverly Gage, Carl Gage, Canley, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Donna McEachern, Joseph McEachern, Nelson, Niebling, O'Keefe, Parolise, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Spaulding, Sara Townsend and Tucker.

#### NAYS 64

BELKNAP: Mansfield.

CARROLL: Claflin, Howard, Kenneth Smith and Towle.

CHESHIRE: Daniel Eaton, Anne Gordon, Elmer Johnson, Moore, Scranton and Vrakatitsis.

COOS: Burns, Huggins, Hunt, Mabel Richardson and York.

GRAFTON: Aldrich, Myrl Eaton, LaMott, McAvoy, Pepitone and Glyneta Thomson.

HILLSBOROUGH: Brack, Burke, Coburn, Joseph Cote, Crotty, William Desmarais, Drewniak, Dupont, Clyde Eaton, Joseph

Eaton, Heald, George Healy, Karnis, Armand Lemire, Timothy O'Connor, Paradis and Francis Sullivan.

MERRIMACK: Ayles, Chandler, Doris Riley and Doris Thompson.

ROCKINGHAM: Cummings, Davis, Erler, Felch, King, Norton, Parr, Schwaner, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Canney, Joncas and Kincaid.

SULLIVAN: Brodeur, Palmer, Scott and George Wiggins, and the committee report was adopted.

Reps. Martin and Vrakatitsis advised the clerk they inadvertently voted Yea and wished to vote Nay.

Referred to Appropriations.

Rep. Stratton wished to be recorded in favor of the Close amendment and the bill.

HB 620, relative to contributions in the unemployment compensation law. Ought to Pass with Amendment.

The committee voted unanimously in favor of this bill intending to fulfill the function of keeping the unemployment compensation fund solvent. People are staying on the rolls for a longer period of time, more money is being paid out and consequently, more money is needed in the fund. The bill's major provision is to establish a rate of accumulation of money for the fund to be lowered as solvency is reached.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Merit Rates. Amend RSA 282:6, D, (3) (supp) as amended by striking out said paragraph and inserting in place thereof the following:

(3) No employer shall be entitled to a rate of less than 2.7 per centum unless and until as of January 1 of the year wherein such rate becomes applicable there has been one calendar year immediately preceding the computation date throughout which such separate account was chargeable with benefits, except as provided in paragraph (4) of this subsection.

Amend RSA 282:6, D, (8) as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

(8) The computation date will be January 31, the total for all past years of all benefits charged as of the computation date against an employer's separate account shall be subtracted from the total of all contributions paid on an employer's own behalf and credited as of the computation date to his separate account for all past years. If benefits

so charged exceed contributions so credited, the excess shall be computed as a per centum of the employer's average annual pay roll which per centum shall determine his contribution rate as provided in paragraph (10) of this subsection. If contributions so credited exceed benefits so charged, the excess shall be computed as a per centum of the employer's average annual pay roll which per centum shall determine his contribution rate as provided in paragraph (9) of this subsection.

Amendment adopted.

Ordered to third reading.

HB 972, establishing a standard workweek for firefighters. Majority: Ought to Pass, Rep. Richards for Labor, Human Resources and Rehabilitation. Minority: (Reps. Gould, Cutcliffe, Head, Stylianos, Skinner and Miller): Inexpedient to Legislate.

Majority: Majority of the Committee feels that firefighters have been left behind in fair labor standards. They further feel that it is unfair to penalize members of such a hazardous profession by forcing them to work longer hours than other groups. Minority: This is unprecedented legislation. Other municipal employees do not have standard workweeks by law. They achieve them through bargaining. This bill would circumvent the collective bargaining law.

Further, these municipal employees are paid from property taxes collected locally. The state legislature is not going to appropriate the funds to increase fire service payrolls by 33-1/3%. The cost to one New Hampshire city is estimated at \$500,000.

Rep. Gould moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Rep. McGlynn spoke against the motion. Reps. Skinner, Head and Eugene Daniell spoke in favor of the motion.

Reps. Hildreth and Coutermarsh spoke against the motion.

Rep. Marshall French moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 231 NAYS 99

YEAS 231

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Mansfield, Marsh, James Murray and Sanders.

CARROLL: Claflin, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Fillback, Galloway, Anne Gordon, Irvin Gordon, Krause, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatisis and Whipple.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Mabel Richardson, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Bernier, Wilfrid Boisvert, Brack, Burke, Carswell, Mark Connolly, Corser, Joseph Cote, Currier, William Desmarais, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Kاكلamamos, Karnis, Keefe, LaPlante, Armand Lemire, Levesque, Marcoux, Martin, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Timothy O'Connor, O'Neil, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Edward Smith, Soucy, Spirou, Stahl, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallin, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, LaBonte, McLane, Mullin, Packard, Pelton, Arthur Perkins, Pratt, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, Campbell, Chapman, Collins, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Gould, Greene, Griffin, Hoar, Kane, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Quimby, Rogers, Sanborn, Schwaner, Skinner, Tavitian, Vlack, Webster, Helen Wilson, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Canney, Walter Desmarais, Bruce French, Hebert, Horrigan, Jonas, Joos, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel, Schreiber, Donald Smith, Torrey, Tripp and Shirley White.

SULLIVAN: Barrus, D'Amante, Desnoyer, LeBrun, Lewko, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 99

BELKNAP: Hildreth, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Roderick Allen and Found.

CHESHIRE: Dostilio, Daniel Eaton, Matson and Terry Wiggin.

COOS: Cooney, Patenaude, Poulin, Theriault, Alcide Valliere, Willey and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Logan, Snell and Michael Woodard.

HILLSBOROUGH: Belanger, Bosse, Brody, Coburn, Colson, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Gabrielle Gagnon, Lachance, Lyons, Madigan, McGlynn, Kerry O'Connor, Orcutt, Pappas, Leonard Smith, St. George, Francis Sullivan, Wallace, Welch, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Milton Cate, Donna MacIvor, McNichol, Plourde, Rice, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Blanchette, Carpenito, Connors, Cotton, Dunfey, Felch, Grieco, Hartford, Krasker, Laycock, Maynard, O'Keefe, Pucci, Anthony Randall, Richards, Rossley, Alfreda Smith, Splaine, Stimmell and Wojnowski.

STRAFFORD: Burchell, Donnelly, Dianne Herchek, James Herchek, Kelly, Kincaid, Maglaras, Morrisette, Rod O'Connor, Dennis Ramsey and Valley.

SULLIVAN: Brodeur and Gray, and the motion passed.

Question being on the amended committee report, Inexpedient to Legislate. Resolution adopted.

#### ENROLLED BILLS REPORT

HB 360, relative to the training of hunting dogs.

Rep. James J. White  
For the Committee.

#### COMMITTEE REPORTS (cont'd)

HB 1145, relative to overtime pay for employees. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study. Rep. Head for Labor, Human Resources and Rehabilitation.

The financial ramifications of this bill on both small private business and on the public sector are far-reaching. Committee feels that further study is needed to determine how this impact would affect certain groups and who should be considered for exemption.

Rep. Ernest Valliere moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study, and spoke to his motion.

Reps. Skinner and Head spoke against the motion.

Rep. McGlynn spoke in favor of the motion.

Rep. James J. White moved the previous question. Sufficiently seconded. Adopted.

Rep. Valliere requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 100 NAYS 231

YEAS 100

BELKNAP: Goyette, Hildreth, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Found.

CHESHIRE: Dostilio, Daniel Eaton, Matson, Parker, Proctor, Russell and Terry Wiggin.

COOS: Cooney, Hunt, Oleson, Poulin, Theriault, Alcide Valliere and York.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory and Neil McIver.

HILLSBOROUGH: Belanger, Bernier, Wilfrid Boisvert, Brody, Burke, Joseph Cote, Margaret Cote, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, Arline Dion, Drewniak, Gabrielle Gagnon, George Healy, Madigan, McGlynn, Nemzoff-Berman, Kerry O'Connor, Orcutt, Pappas, Podles, Simard, Leonard Smith, St. George, Stylianos, Francis Sullivan, Wallace, Wallin, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Kidder, McNichol, Pelton, Ralph, Rice, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Blanchette, Carpenito, Connors, Cotton, Dunfey, Felch, Grieco, Krasker, Laycock, O'Keefe, Parolise, Pucci, Quimby, Rossley, Alfreda Smith, Splaine and Wojnowski.

STRAFFORD: Burchell, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Kelly, Kincaid, Morrisette, Rod O'Connor, Dennis Ramsey and Valley.

SULLIVAN: Brodeur and Gray.

NAYS 231

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Mansfield, Marsh, Morin, James Murray and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Krause, Marshala, Moore, Margaret Ramsay, Terry, Vrakatitsis and Whipple.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Keough, George Lemire, Willey and Wiswell.



GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Duhaime, Myrl Eaton, Gemmill, Hough, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Bosse, Brack, Carswell, Coburn, Colson, Mark Connolly, Corser, Coughlin, Currier, William Desmarais, L. Penny Dion, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Karnis, Keefe, Lachance, LaPlante, Armand Lemire, Levesque, Lyons, Marcoux, Martin, McLaughlin, Morgan, Morrison, Fred Murray, Nardi, Timothy O'Connor, O'Neil, Paradis, Arnold Perkins, Peters, Plomaritis, Henry Richardson, Paul Riley, Seamans, Sing, Edward Smith, Soucy, Stahl, Kevin Sullivan, Harold Thomson, Van Loan, Welch, Emma Wheeler, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, LaBonte, Donna MacIvor, McLane, Mullin, Packard, Arthur Perkins, Pratt, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Waters.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, Campbell, Chapman, Cummings, Cunningham, Cutliffe, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Gould, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parr, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Tavitian, Vlack, Webster, Helen Wilson, Wolfson and Zabarsky.

STRAFFORD: Appleby, Canney, Walter Desmarais, Bruce French, Horrigan, Joncas, Joos, Lefavour, Maglaras, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel, Sackett, Schreiber, Torrey, Tripp, Voll and Shirley White.

SULLIVAN: Barrus, D'Amante, Desnoyer, Ingram, LeBrun, Lewko, Scott, Spaulding, Sara Townsend and George Wiggins, and the motion lost.

Committee report adopted.

Rep. Tarr and Voll wished to be recorded against the motion.

HB 912, relative to zoning authority. Inexpedient to Legislate. Rep. Mann for Municipal and County Government.

This would place a great burden on towns and cities where Class VI highways had to be upgraded. Resolution adopted.

HB 1055, prohibiting the Rockingham county attorney from engaging in the private practice of law. Inexpedient to Legislate. Rep. Packard for Municipal and County Government.

Limits the availability of the number of people who could run for county attorney in Rockingham County.

Rep. Cunningham moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Griffin, Marshall French, Blanchette and Quimby spoke in favor of the motion.

Rep. Richard Hanson spoke against the motion.

Rep. Cunningham moved the previous question. Sufficiently seconded. Adopted. Question being the motion to substitute.

Adopted.

Ordered to third reading.

HB 502, making an appropriation for construction of a facility for the criminally insane on the grounds of the New Hampshire hospital. Majority: Ought to Pass. Rep. James J. White for State Institutions/Public Works. Minority: (Reps. Aeschliman, Nemzoff-Berman, Krause, Blake and Wojnowski): Ought to Pass with Amendment.

Majority: The joint committees of State Institutions and Public Works voted for Plan A, consisting of 184 beds, which the majority felt would meet our current and future needs.

Minority: The testimony regarding future need of such a large forensic unit was controversial. Federal courts may change the criteria for admittance and retention of the unit. Thus, the minority felt a smaller unit would be more prudent and less costly both initially and in operation. The architects have proposed three plans and it is the belief of the minority that Plan B, a 144 bed capacity unit, be implemented. This would require a \$5,300,000 appropriation unlike the \$6,000,000 for a 184 bed unit. Most importantly, the minority, like the majority, acknowledges the need to build a new forensic unit.

Rep. Krause moved that the Minority report, Ought to Pass with Amendment, be substituted for the Majority report, Ought to Pass, and spoke to his motion.

Reps. James J. White, Cotton, Griffin, Helen Wilson and Milton Cate spoke against the motion.

Rep. Ingram spoke against the committee report.

Reps. McLane, Aeschliman and Nemzoff-Berman spoke in favor of the motion.

Rep. Morgan requested a quorum count. The Speaker declared a quorum present.

Reps. Plourde and Marshala spoke against the motion.

(Rep. French in the chair)

Rep. Roberts spoke against the motion.

Rep. James J. White moved the previous question. Sufficiently seconded. Adopted.

Rep. Milton Cate requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 47 NAYS 293

YEAS 47

BELKNAP: Bowler, Gary Dionne, Michael Hanson and Sanders.

CARROLL: None.

CHESHIRE: Close, Krause, Moore and Terry Wiggin.

COOS: Burns and Bradley Haynes.

GRAFTON: Copenhaver, Cornelius, Myrl Eaton, Pepitone and Michael Woodard.

HILLSBOROUGH: Brody, Crotty, L. Penny Dion, Drewniak, Nemzoff-Berman, Normand, Timothy O'Connor, Orcutt and Emma Wheeler.

MERRIMACK: Bellerose, Blakeney, Laurent Boucher, Carroll, John Cate, Chandler, Polly Johnson and McLane.

ROCKINGHAM: Aeschliman, Blake, Blanchette, King, Krasker, Donna McEachern, Scamman, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Donnelly, Joncas, Rod O'Connor, Ruel and Tripp.

SULLIVAN: None.

NAYS 293

BELKNAP: Ambrose, Beard, Marshall French, Hildreth, Mansfield, Marsh, Morin, James Murray, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Faucher, Fillback, Galloway, Anne Gordon, Irvin Gordon, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry, Vrakatisis and Whipple.

COOS: Cooney, Fortier, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Poulin, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Crory, Duhaime, Gemmill, Hough, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Belanger, Bernier, Wilfrid Boisvert, Bosse, Brack, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, George Healy, Howard Humphrey, Kaklamanos, Karnis, Keefe, Lachance, LaPlante, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Martin, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nardi, Kerry O'Connor, O'Neil, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Henry Richardson, Paul Riley, Simard, Sing, Edward Smith, Leonard Smith, Soucy, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Welch, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bibbo, Bodi, Milton Cate, Eugene Daniell, Foley, Richard Hanson, Hess, James Humphrey, Kidder, LaBonte, Donna MacIvor, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Pratt, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Campbell, Carpenito, Chapman, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Goff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, Laycock, Lovejoy, Maynard, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Canney, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Osgood, Preston, Dennis Ramsey, Sackett, Schreiber, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Question being on the committee report.

A roll call was requested.

Sufficiently seconded.

(Speaker presiding)

YEAS 266 NAYS 74

YEAS 266

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Close, Daniel Eaton, Anne Gordon, Irvin Gordon, Krause, Marshala, Matson, Parker, Proctor, Russell, Scranton, Terry and Whipple.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, Keough, George Lemire, Oleson, Poulin, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: George Gate, Chambers, Crory, Duhaime, Gemmill, Hough, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Taffe and Taylor.

HILLSBOROUGH: Ahern, Ainley, Aubut, Bednar, Belanger, Wilfrid Boisvert, Bosse, Brack, Brody, Coburn, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Keefe, Lachance, Armand Lemire, Levesque, Lyons, Madigan, Marcoux, Martin, McGlynn, Morgan, Morrison, Fred Murray, Nardi, Nemzoff-Berman, O'Neil, Orcutt, Pappas, Arnold Perkins, Peters, Plomaritis, Henry Richardson, Sing, Edward Smith, Leonard Smith, Soucy, St. George, Stahl, Stylianos, Kevin Sullivan, Van Loan, Wallace, Wallin, Welch, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bibbo, Bodi, John Gate, Milton Gate, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Flourde, Ralph, Rice, Rich, Doris Riley, Stockman, Doris Thompson, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blanchette, Campbell, Carpenito, Chapman, Connors, Cotton, Cummings, Cunningham, Davis, Robert Day, Dunfey, Erler, Flanagan, Beverly Gage, Carl Gage, Ganley, Goff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Maynard, Donna McEachern, Joseph McEachern, Niebling, Norton, O'Keefe, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Sanborn, Scamman, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Burchell, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Horrigan, Joos, Kelly, Kincaid, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Spaulding, Sara Townsend and Tucker.

NAYS 74

BELKNAP: Marsh, Morin and James Murray.

CARROLL: Roderick Allen, Keller and Towle.

CHESHIRE: Dostilio, Faucher, Fillback, Galloway, Moore, Margaret Ramsay, Vrakatisis and Terry Wiggin.

COOS: Huggins.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Copenhaver, Cornelius, Myrl Eaton, Pepitone, Stomberg, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Bernier, Burke, Carswell, Joseph Cote, Crotty, Drewniak, Clyde Eaton, George Healy, Karnis, LaPlante, McLaughlin, Normand, Kerry O'Connor, Timothy O'Connor, Paradis, Podles, Paul Riley, Simard, Francis Sullivan, Harold Thomson and Emma Wheeler.

MERRIMACK: Bellerose, Blakeney, Laurent Boucher, Carroll, Chandler, Eugene Daniell, Pratt, Shepard and Gerald Smith.

ROCKINGHAM: Blake, Cutcliffe, Danforth, Felch, Lovejoy, Nelson, Parolise, Schwaner and Wolfsen.

STRAFFORD: Canney, Donnelly, Joncas and Tripp.

SULLIVAN: Barrus, Scott and George Wiggins, and the committee report was adopted.

Referred to Appropriations.

Rep. Morin notified the Clerk that he inadvertently voted nay and wished to vote yea.

Rep. LaFleur wished to be recorded in favor of HB 502.

HB 629, altering gross weight and axle distribution limits for 5 axle trucks; providing for an increase in registration fees; and limiting vehicle loads to the rated capacity as determined by the manufacturer. Ought to Pass. Rep. James Murray for Transportation.

The committee feels that the adjustment of weight load maximums on 5 axle trucks is very much needed. In light of the President's energy message, we need the savings that these now fully loaded trucks will provide.



Reps. Ambrose, Clark and Plourde spoke in favor of the committee report.

Rep. Chandler spoke to the committee report.

Rep. George Wiggins requested a quorum count.

The Speaker declared a quorum present.

Reps. Arline Dion and Kenneth Smith spoke in favor of the committee report.

Rep. Shepard spoke against the committee report.

Rep. Erler moved that HB 629 be Indefinitely Postponed, and spoke to his motion.

Rep. Eugene Daniell spoke in favor of the motion.

Reps. George Wiggins, Marshall French, Chambers, James Murray, Tucker and Coutermarsh spoke against the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested.

Sufficiently seconded.

(Speaker presiding)

YEAS 81 NAYS 256

YEAS 81

BELKNAP: Bowler, Gary Dionne, Marsh, Nighswander and Kenneth Randall.

CARROLL: Claflin.

CHESHIRE: Anne Gordon and Margaret Ramsay.

COOS: None.

GRAFTON: Copenhaver, Pepitone and Taylor.

HILLSBOROUGH: Aubut, Bosse, Coburn, Colson, Corser, Margaret Cote, Catherine-Ann Day, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Sal Grasso, Head, Heald, George Healy, Kaklamanos, Keefe, Martin, McGlynn, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, O'Neil, Orcutt, Podles, Leonard Smith, Francis Sullivan, Sweeney and Welch.

MERRIMACK: Bibbo, Blakeney, Carroll, Eugene Daniell, Foley, McLane, Ralph and Robert Watson.

ROCKINGHAM: Aeschliman, Blake, Cotton, Davis, Dunfey, Erler, Hartford, King, Krasker, Lovejoy, Maynard, Donna McEachern, Joseph McEachern, O'Keefe, Parolise, Parr, Anthony Randall, Rogers, Schwaner, Alfreda Smith, Splaine, Wojnowski and Zabarsky.

STRAFFORD: Charles Grassie, Horrigan, Lessard, Morrisette, Sackett, Schreiber, Torrey, Tripp and Shirley White.

SULLIVAN: Spaulding.

NAYS 256

BELKNAP: Ambrose, Beard, Marshall French, Michael Hanson, Hildreth, Mansfield, Morin, James Murray, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Faucher, Fillback, Galloway, Irvin Gordon, Krause, Marshala, Matson, Moore, Parker, Proctor, Russell, Scranton, Terry, Vrakatitsis, Whipple and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Cornelius, Crory, Duhaime, Myrl Eaton, Gemmill, Hough, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taffe, Glynetta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Bednar, Belanger, Bernier, Wilfrid Boisvert, Brack, Brody, Burke, Carswell, Joseph Cote, Coughlin, Coutermarsh, Crotty, Cullity, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Gelinas, Girolimon, Granger, Cort Hansen, Daniel Healy, Howard Humphrey, Karnis, Lachance, Levesque, Lyons, Madigan, McLaughlin, Morgan, Morrison, Fred Murray, Timothy O'Connor, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Henry Richardson, Paul Riley, Simard, Sing, Edward Smith, Soucy, St. George, Stahl, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Pratt, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Blanchette, Campbell, Carpenito, Chapman, Connors, Cummings, Cunningham, Cutcliffe, Danforth, Robert Day, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Goff, Gould, Greene, Grieco, Hoar, Kane, Kashulines, Laycock, Nelson, Niebling, Norton, Pucci, Quimby, Richards, Rossley, Sanborn, Scamman, Skinner, Stimmell, Tavitian, Vlack, Webster and Wolfesen.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Hebert, Dianne Herchek, James Herchek, Joncas, Joos, Kelly, Kincaid, Lefavour, Maglaras, Maloomian, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Valley and Voll.



SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Sara Townsend, Tucker and George Wiggins, and the motion lost.  
Committee report adopted.  
Referred to Appropriations.

HB 1178, establishing the offense of using excessive fuel and specifying the effects of a conviction for using excessive fuel. Ought to Pass. Rep. James Murray for Transportation.

In 1974 the state lowered the speed limits on its highways posted for a maximum speed limit of 70 mph to 55 mph in order to conserve fuel. Despite the fact that these highways were originally built for safe travel at 70 mph the state still convicts a person that drives between 55 and 70 mph of "excessive speed." This bill makes travel between the speeds of 55-70 an offense of using excessive fuel. When a person travels between the speeds of 55 and 70 he is in fact using excessive fuel not excessive speed. This bill creates the offense of using excessive fuel, but prevents any insurance company doing business in New Hampshire from raising insurance rates after a conviction. Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Marshall French moved that the Rules be so far suspended as to permit those bills ordered to third reading to be read a third time and passed at the present time.

Adopted by the necessary two-thirds.

Third reading and final passage

HB 299, to provide New Hampshire home for the elderly classified employees a differential pay increase.

HB 305, reclassifying certain positions at Laconia state school.

HB 388, relative to the monthly rate for the care, treatment, maintenance and training of any resident of the Laconia state school and training center.

HB 434, relative to certification of shared homes for adults.

HB 456, providing for the preparation of an election procedure manual and making an appropriation therefor.

HB 728, permitting a creditor to telephone a debtor at his place of employment twice a month under certain conditions.

HB 644, relative to the definition of subdivision under the planning law.

HB 782, relative to effective dates for laws which have a municipal fiscal impact.

HB 898, relative to amending provisions of the Nashua City Charter.

HB 926, amending the town charter of Hanover allowing selectmen to establish one or more parking districts.

HB 1064, relative to listing all exemptions on the annual inventory form.

HB 1153, relative to reporting audit findings in summary form.

HB 1155, relative to the conveyance of property acquired by a town or city at a tax sale.

HB 326, adopting the provisions of the uniform vehicle code pertaining to the operation of emergency vehicles.

HB 494, establishing a staggered registration system for motor vehicles and changing the registration and municipal permit fee.

HB 786, relative to defective equipment tags.

HB 1095, relative to certificates for common carriers.

HB 1094, relative to the operation of state weigh stations.

HB 1181, relative to prorating motor vehicle permit fees.

HB 1097, permitting the use of certain radio-type equipment while operating a motor vehicle upon a public way.

HB 1178, establishing the offense of using excessive fuel and specifying the effects of a conviction for using excessive fuel.

HB 345, relative to the appointment of assistant secretaries of state.

HB 515, establishing a study committee to investigate costs and methods necessary to update the record-keeping functions in the office of the secretary of state.

HJR 4, for the purpose of requesting appropriate action by the Congress, acting by consent of 2/3 of both houses to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

HB 929, giving municipalities the option to designate certain areas within their jurisdiction as critical and to permit development therein when in accordance with protective standards.

HB 1117, providing for the local regulation of excavations.

HB 1030, concerning neglected and delinquent children and persons in need of supervision.

HB 853, relative to franchise disclosure law.

HB 1038, relative to providing criminal penalties for the copying of recorded devices.

HB 1044, relative to the public employee labor relations law.

HB 1047, relative to overtime pay for employees of nursing homes.

HB 1144, relative to the establishment of workmen's compensation self-insurance programs.

HB 615, relative to interest charges charged upon all taxes other than resident taxes not paid on time.

HB 682, relative to the motor vehicle collections by town clerk or other municipal official and providing for the removal of a town clerk for cause.

HB 811, increasing the fees paid to county medical referees.

HB 951, relative to the removal of absent town budget committee members.

HB 1056, relative to home rule.

HB 1057, relative to tax abatement on municipal airport property in Manchester and Londonderry.

HB 1067, establishing a voluntary arbitration system for handling settlement disputes in welfare cases.

HB 1069, relative to municipalities employing prosecutors for district or municipal courts.

HB 1073, relative to the powers and findings of the zoning board of adjustment and rehearing before said board.

HB 1076, providing for exemption of machinery and equipment from the property tax.

HB 1158, relative to the definition of class VI highway and the status of existing class VI highways.

HB 1159, authorizing towns by local referendum to acquire and dispose of industrial facilities.

HB 741, establishing a study committee to determine financing methods and requirements for the decommissioning of nuclear power facilities.

HB 1083, relative to time-of-day electric utility rates.

HB 1087, to extend the voluntary commitment of certain patients at New Hampshire hospital.

HB 863, relative to certified copies of certificates of registration.

HB 964, relative to a motor vehicle franchisor's responsibilities for warranties.

HB 975, relative to mandatory installation of smoke detectors in structures for occupation built after 1978.

HB 529, relative to reimbursing victims of violent crimes and making an appropriation therefor.

HB 1055, prohibiting the Rockingham county attorney from engaging in the private practice of law.

HB 620, relative to contributions in the unemployment compensation law.

#### RECESS

334 members were recorded as present.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Lord, help us to need You and want You so consciously and continually that we will turn to You regardless of our religious feelings. Help us to be willing to walk into the problems of today representing You . . . even though we must go without the certainty of a bag of pat answers or perhaps even without any feeling of Your being with us. But so often we are afraid to take real risks without the sense of Your presence. I guess I am praying for faith, Lord, faith for us all, so that we can act on the reality of Your love even when we cannot "see" it with our senses.

"And what is faith? Faith gives substance to our hopes, and makes us certain of realities we do not see." - Hebrews 11:1(NEB) O God, give us faith. Amen!

Rep. Pucci led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. William Boucher, Burrows, Forsaith Daniels, Kerry O'Connor, Belhumeur, Appel, Stockman, Joncas, Myrl Eaton, the day, illness.

Reps. Goyette, Miller, Alter, Lucas, Record, Ward, Spirou, Martin, Barka, Waters, Roland Boucher, Mann, Pratt, Chase, Duhaime, Parker, Horrigan, Madigan, Aldrich, Bellemore, Terry, the day, important business.

#### INTRODUCTION OF GUEST

Mr. Isaac D. Shubitz, representing South Africa and visiting all the Grand Lodges of the State, guest of Reps. Howard and Kenneth Smith.

A quorum count was requested.

The Speaker declared a quorum present.

Rep. Raymond Conley moved that the House adopt the committee recommendation of Inexpedient to Legislate on HBs 94, 651, 737, 774, 51, 842, 921, 1089, 201, 273 and 954, and further moved that the House adopt the committee recommendation of Ought to Pass on HBs 49, 139, 1091, 22, 899, 140, 805, 838, 478, 724, 725 and 1189, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HBs 127, 266, 652, 757, 769, 827, 1172 and SB 1, and further moved that the House adopt the committee recommendation of Refer to Interim Study committees by the appropriate standing committees on HBs 918 and 1170.

Adopted.

#### UNANIMOUS CONSENT

Rep. Raymond Conley addressed the House by Unanimous Consent.

#### COMMITTEE REPORTS (Consent Calendar) CHAPTER 55

HB 49, relative to the procedures for the filling of vacancies in certain elected offices. Ought to Pass. Raymond K. Conley, Jr. for Statutory Revision. This bill provides a different procedure for filling a vacancy in the office of tax collector by requiring that any appointment made to fill said vacancy shall be in effect only until the next annual town meeting, at which time the office would be filled by election for the remainder of the unexpired term of the appointee's predecessor. In the case of a vacancy in the office of supervisor of the checklist, a supervisor would be appointed only until the next biennial election, at which time a supervisor is elected to fill the unexpired term of the original supervisor. Committee vote was unanimous.

HB 94, allowing town residents to register to vote with the town clerk unless the town votes to be exempt from this requirement. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill is covered by SB 1, as amended. Unanimous vote of committee.

HB 127, requiring proof of residency in order to register and to vote. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The subcommittee amended the bill by adding a proof of residency in the form of an affidavit declaring the voter to be an inhabitant of and dwells in the town, city or ward in which he desires to vote and changed the word "shall" to "may" in 55:14 Section I. Committee vote was unanimous.

#### Amendment

Amend RSA 55:14, I as inserted by section I of the bill by striking out said paragraph and inserting in place thereof the following:

I. When determining the qualifications of an applicant under the provisions hereof, the supervisors may require said applicant to present the following:

- (a) His birth certificate;
- (b) His naturalization papers if he is a naturalized citizen;
- (c) Proof of residency in the form of an affidavit declaring that the applicant is an inhabitant of and dwells in the town, city or ward in which he desires to vote; and
- (d) Any other evidence they may request.

Amend the bill by striking out section 3 and renumbering section 4 to read as 3.

HB 139, providing for the filing and public availability of checklists after every biennial election. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

HB 139 requires that a certified checklist with the marks be sent to the State Library within 72 hours after each biennial and presidential election. A copy of an unmarked list which was used in the election shall be sent to the Clerk of the Federal District Court in New Hampshire. Committee vote unanimous.

HB 266, relative to meetings of supervisors of the checklist in cities and towns. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

HB 266 was amended in 55:8 by changing the closing hour of the checklist to read 6:00 p.m. on Saturday ten days prior to the election. The amendment also calls for striking out Section 2 and inserting in its place 55:8A. In addition to the sessions required by 55:8, the Supervisors will make additions and

corrections to the checklist 10 days prior to any official meeting or election other than mentioned in 55:5 where an official checklist is used. Committee vote unanimous.

#### Amendment

Amend RSA 55:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

55:8 Cities and Towns. In cities and towns, they shall be in session for the correction of the checklist, at some suitable place in the city or town, 2 days at least before the day of the election, the last of which shall be the Saturday 10 days prior to election and upon which all hearings shall be finally closed. The first session shall be upon the third Tuesday next preceding the day of election, and shall take place for at least 2 hours between 6:00 p.m. and 9:00 p.m., and shall be adjourned to such subsequent day or days at the same time as will permit all claims to be heard and decided. The names of all persons not qualified to vote on or before said final Saturday session but who shall clearly be qualified to vote on election day, may be added to the checklist on or before said Saturday session. No additions or corrections shall be made after 6 p.m. Saturday 10 days prior to election day, except as provided in RSA 55:18. Said additions and corrections shall be made to the previously posted checklist on or before midnight on the succeeding Wednesday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk. Notice of the day, hour and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Updating Checklist. Amend RSA 55 by inserting after section 8 the following new section:

55:8-a Updating Checklist. In addition to the sessions required by RSA 55:8, the supervisors of the checklist in all cities and towns shall meet to make corrections and additions to said checklist not less than 10 days prior to any official meeting or election other than one mentioned in RSA 55:5 at which said checklist is to be used to determine who is eligible to participate or vote at said meeting or election.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 651, enabling cities to adopt a provision to permit voters moving their



residence intracity to vote without registering again. Inexpedient to Legislate. Rep. Raymond Conley, Jr. for Statutory Revision.

The subcommittee felt there was not any merit to the bill. Transfers are no longer legal and this would only cause more confusion to the supervisors.

The Committee also felt that the voter should appear in person at the registry office to change his address. One other factor is the cost involved to the cities when having to send cards to the voters requiring them.

HB 737, including a United States passport as acceptable evidence when a naturalized citizen registers to vote. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee on reviewing this bill felt a naturalized citizen wishing to use a United States Passport as proof of citizenship would be unfair to all other naturalized citizens that do not have passports. It was also brought out in the public hearing that most naturalized citizens are given ID cards to be used in place of their original papers. One other factor is that most voter registration forms require the certificate number of the naturalization papers to be recorded on the voter application.

HB 774, increasing the time between the close of voter registration and the posting of the checklist. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The subcommittee in reviewing this bill felt this was a local problem and also there was only testimony from one town.

The subcommittee felt this was not a legislative problem but an administrative problem of the town.

SB 1, relative to the duties of city and town clerks for voter registration. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill requires all city and town clerks to register voters. The bill as amended allows for any city or town to vote to exempt itself from the requirement.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Exemption by Vote at Annual Town Meeting. Amend RSA 55:9-c (supp) as inserted by 1973, 124:2 by striking out said section and inserting in place thereof the following:

55:9-c Exemption. The provisions of RSA 55:9-a and 55:9-b shall apply in all towns unless, upon a vote at an annual town meeting, said town chooses to exempt itself from such requirements. In a town

which is exempt from the provisions of RSA 55:9-a and 55:9-b, the town clerk shall have none of the powers and duties provided in RSA 55:9-a and RSA 55:9-b.

#### CHAPTER 55A

HB 1091, relative to overseas citizens voting rights. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

HB 1091 allows for United States citizens having lived in New Hampshire but now residing overseas, to register to vote absentee for the election of president, vice-president, presidential elector, United States Senators and United States Representatives, but not in the presidential preference primary. There will be special ballots provided by the Secretary of State's office for such citizens.

This bill conforms with the Federal law passed in 1975 that became effective in 1976 for voting rights for United States citizens residing overseas. Committee vote unanimous.

#### CHAPTER 59

HB 22, establishing a recount procedure for votes at special meetings of towns with official Australian or nonpartisan ballots. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill would extend the scope of RSA 59:115, relating to recount procedures to include special town meetings. It was the opinion of the subcommittee that with an increased incidence of special town meetings being held that there should be an opportunity for voters to request a recount.

HB 51, relative to stamping ballots in elections. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr.

This bill proposed to change the method of marking ballots by prohibiting the use of a pencil or pen and requiring a special stamp to be used that would place a cross within the appropriate box opposite a candidate. It was the unanimous consensus of the subcommittee and reinforced by the entire Statutory Revision Committee that this bill would in fact have a negative effect upon the voting process. Although the committee could appreciate the intent of the sponsor, further investigation into HB 51 indicated that by requiring a special stamp that the voting process would be slowed down considerably. There would be a greater propensity for spoiled ballots and that the cost incurred in operating an election would increase substantially.



HB 652, relative to the sealing and certifying of ballots. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill, as amended, prescribes standardized methods for sealing ballot containers and certifying same. The Committee voted unanimously (14-0) that this bill would help to eliminate confusion and aid in the security of cast ballots. This bill would furthermore eliminate many of the problems that were identified by the Ballot Law Commission in the recount procedures of the Durkin/Wyman election.

#### Amendment

Amend RSA 59:88 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 59:88 Sealing and Certifying Ballots.

I. After the ballots cast at a biennial or any other election have been counted and a declaration and record of the result made, the moderator, in the presence of the selectmen, shall place the cast, cancelled and uncast ballots into suitable containers as prescribed by the secretary of state and shall seal each container with filament tape or other similar tape in a manner prescribed by the secretary of state calculated to prevent the ballots from being removed or tampered with. If suitable containers are prepared by the secretary of state and forwarded to the town and city clerks, said containers shall be used for the cast, the cancelled and the uncast ballots.

II. The moderator or his designee and selectmen shall endorse on each container the number of cast, cancelled and uncast ballots in each container and shall endorse and subscribe upon the outside of each container a certificate as follows: Enclosed are whatever ballots are contained therein from the election in the town of ..... (or, ward ..... in the city of .....) on the ..... day of ....., 19...., required by law to be preserved. Sealed up by the moderator or his designee in the presence of the selectmen, with signatures of moderator and selectmen. The secretary of state shall prescribe and prepare the form of endorsement and the manner in which it shall be affixed and used for an election and shall forward such form to all city and town clerks.

III. If separate ballots under RSA 59:12 are used at a biennial or any other election, such separate ballots shall be placed in separate envelopes or wrappers.

IV. If any moderator or his designee or selectman is found in a prosecution for violation of RSA 643:1 to have acted contrary to the provisions of this section, it shall be prima facie evidence that he has knowingly refrained from performing a duty imposed on him by law.

HB 757, relative to the designation of office on ballots. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

I. Adequate separation between political designation of each office will be required.

II. The bill further requires that the arabic numeral, in addition to a spelled number, appear to designate how many persons are to be voted for each office. Both the spelled number and the arabic numeral will be double-sized type.

III. The amendment to this bill would require the following addition as a preface to the arabic numeral and the spelled number: "vote for no more than (here insert the spelled number and an arabic numeral indicating how many persons are to be voted for.)" The committee based upon public testimony felt that this amendment would clarify to the voter, the number of individuals that they could vote for.

#### Amendment

Amend RSA 59:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 59:6 Designation of Office.

Immediately to the left of each set of party columns, there shall be printed a column in which shall be printed the political designation of the office for which the candidates whose names are listed in the party columns to the right have been nominated, as "For Governor" and the like. There shall be an adequate separation between the political designation of each office and below such political designation of each office there shall be printed in small but easily legible letters "Vote for no more than (here insert a spelled number and an arabic numeral in parentheses, in double size type designating how many persons are to be voted for.)"

HB 842, mandating that all referendum results be reported to the secretary of state. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee voted 11-1 that this bill is inexpedient to legislate. Although the Committee appreciated the intent of the sponsors, it also felt that without an appropriation to the Secretary of State, it would be impossible at this time for the Secretary of State's Office to maintain adequate records and to serve as a reference to the public for all referendum questions that were held throughout the state.

HB 899, relative to reporting vote totals by party for nominees of more than one party. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee voted unanimously (15-0) that HB 899 ought to pass. This bill will require that votes for nominees for more than one party be reported for each party. The number of votes received by a nominee of each party and the total vote for the candidate shall be made available to members of the public by the Secretary of State.

HB 921, prohibiting candidates for elective office from serving as election officers in towns and wards with populations exceeding 1,000 persons. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee voted 13-1 that HB 921 is inexpedient to legislate. The bill is similar to HB 772 which has been brought onto the floor of the House as ought to pass.

HB 1089, requiring toll free phones in wards for official calls on election days and requiring phone inquiries relative to the rights of certain people to vote. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill contains no appropriation and it was the consensus of the committee that it would be inappropriate for local communities to assume the responsibility for insuring toll free telephones at all polling places. It was further felt by the Committee that in most communities the problems that this bill attempted to solve had been rectified at the community level.

#### CHAPTER 60

HB 140, eliminating the requirement that at least one city or town intervene between an absentee voter and the place in which he is legally entitled to vote. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill makes it easier for a working man or woman to plan to vote if their hours are such that they are unable to get to the polls.

HB 805, providing an opportunity for absentee balloting at any election which uses an official ballot. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This is a housekeeping measure bringing state law into what was voted by a constitutional amendment.

#### CHAPTER 57

HB 201, permitting a presidential candidate to determine the order in which the names of delegates pledged to as favorable to him appear within that group pledged to as favorable to him on the presidential primary ballot. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

Committee vote was unanimous. Subject matter covered in HB 390.

#### CHAPTER 56

HB 273, relative to voter party registration procedures. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 12-2. The subject matter of this bill is covered in HB 167 and others.

HB 769, establishing a primary election for the city of Laconia. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 14-0.

Establishes a primary election procedure for the cities of Laconia and Somersworth. The Committee was assured that in each case a majority of the city delegation was in favor of this legislation.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing primary elections for the cities of Laconia and Somersworth.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Municipal Primary. A primary conducted by the regular election officers shall be held at the regular polling places in each ward in the city of Laconia and the city of Somersworth on the Tuesday next following the first Monday in October, 1979, and biennially thereafter, for the nomination of all candidates to be voted for at the biennial municipal election held in November, except members of the school committee.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Filing Fees. At the time of filing declarations of candidacy each candidate shall pay to the city clerk, for the use of the city, a fee of \$10 for the office of councilman-at-large, \$5 for ward councilman, or \$3 for ward officer, and in the city of Somersworth, \$25 for mayor.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Application of Laws. The provisions of sections 17 to 35 of RSA 56 relative to primary petitions, official ballots, checklists, voting, returns and vacancies, shall apply to the Laconia and Somersworth primaries so far as applicable hereto and not inconsistent with the provisions hereof.

Amend the bill by striking out section 15 and 16 and inserting in place thereof the following:

15 Charter Provisions. Such provisions of the charters of the cities of Laconia and Somersworth as may be inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistency.

16 Referendum. This act shall not take effect for Laconia unless it is adopted by a majority vote at the regular municipal election to be held in the city of Laconia in November, 1977. This act shall not take effect for Somersworth unless it is adopted by a majority vote at the regular municipal election to be held in the city of Somersworth in November, 1977. The city clerks then in office

shall cause to be placed on a separate ballot the following question: "Shall the provisions of an act of the general court of 1977 providing for a primary for municipal elections be adopted?" Said questions shall be printed in the form prescribed in RSA 59:12-a. If a majority of those voting on the question vote in the affirmative, this act shall be declared to have been adopted. The city clerks shall, within 10 days after said election, certify the result of the vote on the above question to the secretary of state.

HB 827, relative to the date for withdrawing from a primary race for the legislature. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 15-0. Allows for the withdrawal of a candidate from an election because of incapacitating physical disability when sworn to under oath. Mandates Secretary of State to prepare, publish and distribute the procedure to be followed in each recount of ballots.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to recounts and disqualification of candidates in primary elections.

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Notice of Recount. Amend RSA 56:57 by striking out said section and inserting in place thereof the following:

56:57 Notice of Recount. The secretary of state shall fix a time for such recount as soon as practicable after the receipt of the application and shall notify the opposing candidates thereof. The secretary of state shall also prepare, publish and distribute to the applicant and to each of the opposing candidates the rules of procedure to be followed at said recount. As soon thereafter as circumstances will permit, such recount shall be held and conducted as recounts of votes cast at elections are.

2 Candidate Disqualification. Amend RSA 56:69-a as inserted by 1961, 152:2 as amended by striking out said section and inserting in place thereof the following:

56:69-a Disqualification of Candidates. In case a person who is a candidate to be voted for at any primary or general election, between the date of nomination or filing and the day of election, shall make oath that he does not qualify for the public office which he seeks because of age, residence, or incapacitating physical disability acquired subsequent to the nomination or filing, the secretary of state may remove said persons' name from the ballot and, if the ballots have not been printed, a new candidate may be substituted under the authority of the party committee of the

state, town or ward, and if in a representative district having more than one town, ward, or unincorporated place, of the party committee of the county, as the case may require, and the name of the substitute candidate shall be printed on the ballots. In the case of the office for state senator, the appropriate party committee to fill such vacancies shall be the state committee of the party affected. If the ballots have been printed and time will permit, the secretary of state may cause adhesive slips or pasters, without any name thereon, to be printed, or authorize the same to be done, and send or cause the same to be sent to the various town or city clerks representing the territory wherein the disqualified candidate was to be voted for. Said town or city clerks shall deliver said slips or pasters to the election officers before the opening of the polls, and they shall paste them in the proper place on the ballot before it is handed to the voter. Except as provided in this section or in RSA 56:71, no adhesive slips, pasters or stickers shall be used on any ballot, and their use shall invalidate that vote for all candidates for the office where they are so used.

3 Recount Notice. Amend RSA 59:95 (supp) as amended by striking out said section and inserting in place thereof the following:

59:95 --Notice of Recount. Such recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state. The secretary of state shall give notice thereof to the applicant and each of the opposing candidates not less than 7 days prior to the date of the recount. The secretary of state shall also prepare, publish and distribute to the applicant and each of the opposing candidates the rules and procedures governing said recount prior to the commencement of the recount.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 838, requiring the secretary of state to notify all persons of write-in nominations for the house of representatives. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 12-0. Requires Secretary of State to notify all persons of write-in nominations for the House of Representatives. This ties in with HB 29 so that the candidate when notified can file the appropriate affidavit with the Secretary of State.

HB 918, relative to party committees. Refer to the Committee on Statutory Revision for Interim Study. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 15-0. Hearing on April 19, 1977. Bill raises enough questions to require at least a



month's study. Will give adequate study time at a later date.

HB 954, changing the time the supervisors of the checklist are required to be in session before any primary election. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 14-1. This bill should be brought back at the next session. As it is written, it may or may not apply depending on the disposition of other election laws in this term.

HB 1172, relative to the filing dates for candidates in the primary for any elective office. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 14-0. Moves the filing period for primary candidates further back into June and ends the filing period before the July 4th holiday week. The effect of this would be to increase the filing period by one week and the campaign time by two weeks.

#### Amendment

Amend RSA 56:25 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

56:25 Time for Filing Declarations of or Assents to Candidacy. Declarations of and assents to candidacy and primary petitions to be filed with the secretary of state or city or town clerks shall be filed not less than 75 days before the date of the primary. The number of days herein given shall include Sundays and shall end on the day before the primary at 5 o'clock in the afternoon.

#### CHAPTER 63

HB 478, relative to the governor issuing a certificate of election. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill prohibits the governor from issuing a certificate of election to an elected United States Representative or a United States Senator until time has elapsed for any recount and appeal to the Ballot Law Commission unless both candidates sign a written waiver. Bill will eliminate tremendous confusion such as experienced in recent Durkin/Wyman election.

#### CHAPTER 70

HB 724, prohibiting the posting of election advertising on highway rights-of-way. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill prohibits the posting of political advertising on any highway right-of-way.

Mr. Oudens and Mr. Hogan of the State Highway Department spoke in favor, stating that the bill improves the present statute by removing ambiguities and filling several gaps that now exist.

HB 725, removing the requirement for filing financial statements with town or city clerks. Ought to Pass. Rep. Raymond K. Conley for Statutory Revision.

This bill removes the requirement, in the case of candidates who expend a sum in excess of \$200 for filing a report of their receipts and expenditures with their town or city clerk.

The bill is a housekeeping measure which is necessary to eliminate a statutory requirement which is not being complied with to any extent.

HB 1170, relative to political advertising concerning a measure or referendum on the ballot at any election. Refer to the Committee on Statutory Revision for Interim Study. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee's action was based on the following considerations:

1. Late receipt of and late hearing on the bill left little time for processing several possible amendments in view of the deadline of April 28.
2. The bill needed more study because of possible ramifications relating to penalties for violation, problems in enforcement and several other matters.

HB 1189, concerning the reporting of political expenditures, advertising and contributions by certain committees and certain candidates. Ought to Pass.

This bill repeals RSA 70:4, I (2); 70:4, II (2); and 70:4, V, relating to prohibited political expenditures, which have been declared unconstitutional by the United States District Court. The bill also requires a statement concerning political expenses and contributions from a state committee, major candidate or political committee, three weeks before elections in addition to the one currently required the week before the election. Committee vote was unanimous.

#### COMMITTEE REPORTS (Regular Calendar)

#### CHAPTER 55

HB 971, removing minor officials from the biennial ballot. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

HB 971 allows moderators, supervisors of the checklist and selectmen to be elected at town and city elections rather than the biennial election. The bill was reported out of Committee as ought to pass. Committee vote unanimous.



Rep. Sackett offered an amendment and requested to dispense with the reading.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

concerning the election of certain minor officials at the biennial election on a locally prepared ballot.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Moderator. Amend RSA 40:1 by inserting in line 2 after the word "ballot" the following (locally prepared in accordance with RSA 59:2-a) so that said section as amended shall read as follows:

40:1 Election. At every biennial election a moderator shall be chosen by ballot, locally prepared in accordance with RSA 59:2-a, by a plurality of votes, who shall hold office from the close of the meeting at which he is chosen until the close of the meeting at the next succeeding biennial election.

2 Supervisors of the Checklist. Amend RSA 55:1 as amended by inserting in line 3 after the word "election" the following (by a ballot locally prepared in accordance with RSA 59:2-a) so that said section as amended shall read as follows:

55:1 Choice; Qualification. The board of supervisors of the checklist shall consist of 3 legal voters in each town. One member of said board shall be chosen at each biennial election, by a ballot locally prepared in accordance with RSA 59:2-a but no selectman, moderator, clerk or ballot inspector shall be supervisor.

3 City and Ward Officers. Amend RSA 44:11 by striking out said section and inserting in place thereof the following:

44:11 Times. The meeting of the inhabitants of each ward for the election of city and ward officers shall be holden on such day as may be fixed by law or by ordinance of the city councils. The election of such local officers held at the biennial election shall be by ballot prepared locally in accordance with RSA 59:2-a. All ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead.

4 Forwarding Names for Local Ballot Preparation. Amend RSA 56 by inserting after section 28-a the following new section:

56:28-b Forwarding Names. The secretary of state shall forward to the town or city clerk the names and all other pertinent information concerning all candidates who are to appear on the locally prepared ballot that the secretary of state has that is needed by such local official for his preparation of local ballots in sufficient time for the local official to prepare such ballots.

5 Preparation of Official Primary Ballots. Amend RSA 56:29 (supp) as amended by striking out said section and inserting in place thereof the following:

56:29 Preparation. At least 10 days before any primary is to be held an official ballot for each political party shall be prepared by the secretary of state, and the city or town clerk for the appropriate officers for which each is responsible for preparing a ballot and shall be as nearly as is practicable in the same form as ballots used at elections. Below the name of each office shall be printed in small but easily legible letters the words "Vote for not more than" followed by a spelled number designating how many persons are to be voted for or such other instruction as the secretary of state or city or town clerk, as appropriate, may deem necessary to clarify the ballot.

6 City and Town Clerk Duties. Amend RSA 56 by inserting after section 32-a the following new sections:

56:32-b Number; Locally Prepared Ballots. Not later than 6 days before a primary the city or town clerk shall furnish to the clerk of each polling place the locally prepared ballots for each political party as follows: for each 50 and fraction of 50 voters of each party, as he may determine from the number of voters of the respective party on the checklist as used at the last preceding primary election, 50 ballots of said party, except that when any party has less than 10 voters on said checklist he shall furnish 25 ballots.

56:32-b Number; Locally Prepared Ballots. For the first primary election at which a political party has candidates for nomination the city or town clerk shall print for said party a sufficient number of ballots which in his sole discretion shall most closely approximate the figures provided for in RSA 56:32-b.

7 Samples; Locally Prepared Ballots. Amend RSA 56 by inserting after section 33 the following new section:

56:33-a Samples; Locally Prepared Ballots. The city or town clerk shall in addition furnish each polling place with 10 sample ballots of each political party, printed on white paper, and, upon request, a reasonable number of such sample ballots to each person whose name appears upon the locally prepared ballot as a candidate.

8 Posting Samples. Amend RSA 56:34 by striking out said section and inserting in place thereof the following:

56:34 Posting Samples. Each clerk shall within one day from the time when he shall receive such sample ballots from the secretary of state or send out such locally prepared ballots post 3 of each political party in 3 public places in his town or ward, and shall retain the others until the date of the primary, when he shall post the same in prominent positions in and about the polling place.

9 Preparation of Ballots for Biennial Election; Secretary of State. Amend RSA 59:2 by striking out said section and

inserting in place thereof the following:

59:2 Preparation. Appropriate ballots shall be prepared by the secretary of state, and printed and delivered at the expense of the state.

10 Local Preparation of Ballots for Biennial Election. Amend RSA 59 by inserting after section 2 the following new section.

59:2-a Local Preparation of Ballots. The city or town clerk as appropriate shall prepare ballots for the biennial election of the officials provided for in RSA 40:1, RSA 55:1 and RSA 44:11. Such clerk shall have all the same powers and duties for the local preparation of these ballots as the secretary of state has for the ballots he must prepare. The local preparation of ballots shall be done in accordance with the provisions of this chapter except in those cities or towns that vote to have non-partisan local ballots and in a city or town that has not chosen the non-partisan ballot the clerk shall be read in place of the words "secretary of state" as appropriate. In a city or town that chooses the non-partisan ballot, the local municipal ruling body shall devise ordinances to control the preparation of their local non-partisan ballot.

11 Order of Offices. Amend RSA 59:5 by striking out said section and inserting in place thereof the following:

59:5 Order of Offices. The order in which the officers to be voted for on ballots prepared by the secretary of state shall be placed in the party columns aforesaid as follows: Electors of president and vice-president of the United States, governor, United States senator, representative in congress, councilor, state senator, representative to the general court, county officers. The order in which town or ward officers to be voted for on ballots prepared locally by city or town clerks shall be placed in the party columns aforesaid as follows: moderator, supervisor of the checklist, other town or ward officers.

12 Questions Submitted. Amend RSA 59:12 as amended by striking out said section and inserting in place thereof the following:

59:12 Questions Submitted. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people such question shall be printed upon the ballots after or beneath the list of candidates. The ballots shall be so printed as to give to each voter an opportunity to designate by a cross (X) in a square his answer to the question submitted. A convention to revise the constitution may, however, direct that amendment questions shall be printed on a separate ballot. On all ballots, above constitutional amendment questions, there shall be printed the following words: Questions Relating to Constitutional Amendments Proposed by the Convention to Revise the Constitution. All questions printed on the ballot at the biennial election shall be printed on the ballot prepared by the secretary of state.

13 Effective Date. This act shall take effect 60 days after its passage.

Rep. Sackett explained his amendment. Rep. Lovejoy spoke to the bill.

Reps. Bednar and George Wiggins spoke against the amendment.

Rep. Snell moved the previous question. Sufficiently seconded. Adopted. Amendment lost.

Ordered to third reading.

(Rep. French in the Chair)

Rep. Lyons requested a quorum count. The Speaker declared a quorum present.

#### COMMUNICATION

May 3, 1977

Mr. George Roberts, Speaker  
House of Representatives

Dear Sir:

Please be advised that for reasons of health I am forced to resign as one of the four representatives from Ward two in Manchester. I wish that my resignation be effective May 15th.

Very truly yours,  
James P. Shea.

(Speaker in the Chair)

Rep. Marshall French moved that all debate for the remainder of the day be limited to thirty minutes, equally divided on all bills.

Adopted.

#### COMMITTEE REPORTS (cont'd)

##### CHAPTER 59

HB 670, relative to counting ballots at elections. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The bill prohibits any election officer who is a candidate for an office on the ballot for that election, from counting the votes for the race in which he is a candidate. Additionally, if the election officer is a candidate for a county, state or national office at that election, he will be forbidden to be involved in the counting of any ballots at that election.

The bill further clarifies the responsibility of the moderator relative to the counting of ballots and if the moderator should be running for re-election, the bill will allow the moderator to fulfill his responsibilities with one exception, that he not be allowed to physically count ballots.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

I Restrictions on Ballot Counters.  
Amend RSA 59:69 by striking out said section and inserting in place thereof the following:

59:69 Counting Ballots.

I. Immediately after the polls are closed the ballots shall be examined and the votes for the several candidates and on any questions submitted shall be counted by the town clerk, the selectmen and the other election officials herein provided under the supervision of and in the presence of the moderator who, himself, shall not do the actual counting. Any such election officer may at any time during the counting inspect the ballots as they are being counted by the election officials. The counting shall be public, but within the guard-rail, and shall not be adjourned nor postponed until it shall have been completed. The whole number of ballots cast for each person and of each question submitted to the voters shall have been announced publicly. While being counted no ballot shall be placed within 4 feet of the guard-rail which forms the enclosure in which the counting is done; and during such time only the aforesaid officers shall be allowed within said enclosure.

II. The provisions of paragraph I of this section shall be applicable in all cases except as follows:

(a) No person, other than the moderator who shall not count votes, otherwise authorized to be within the guard-rail shall remain within the guard-rail during the counting of the votes for the office for which that person is a candidate if that person is a candidate for a local office at that election.

(b) Nothing in (a) of this paragraph shall prevent an election official who is a candidate from performing the duties of an election official during the actual voting. The prohibition in (a) applies to the time of the counting of the votes only.

(c) Any election official who is a candidate may appoint an assistant who shall take the oath of office in the same manner as, serve in the same capacity as, and have all the powers of the election official who is forbidden to remain within the guard-rail while such election official is forbidden to be within the guard-rail.

(d) The term "election official" as used in this paragraph includes the town clerk, the selectmen, any assistants appointed in accordance with RSA 59:75, and any other usual election officers.

(e) Subparagraphs (a) thru (d) of this paragraph are applicable to all primary elections, general elections, and any other elections in which the secret ballot is used.

Amendment adopted.

Rep. Wilfrid Boisvert spoke in favor of the committee report.

Rep. Chandler spoke to the committee report.

Ordered to third reading.

HB 723, eliminating the requirement for the residence of a candidate on the ballot. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The intent of this bill would be to remove the requirement for putting the residence of each candidate on the official ballot unless in the judgment of the Secretary of State it would be necessary in order to prevent confusion of the voters due to a similarity of individual names.  
Ordered to third reading.

HB 755, relative to the marking of ballots in elections held in the state. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill revises the present election laws relative to the marking of ballots. This bill would permit a voter to mark his ballot with either a cross or a checkmark in order to have his vote counted. The bill would also require that if a voter marks his ballot both in the circle and in the square opposite the name of the candidate whose name is not printed beneath the circle or writes in the name of a candidate, his ballot shall not be counted. Furthermore, this bill would require that a voter desiring to write in a candidate do so by writing in the first and the last name of the candidate. The committee unanimously agreed with the content of this bill; however, they felt that a warning should be printed on a ballot indicating to the voter that the only marks that would be allowed would be either the cross or a checkmark.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Warning to Be Included. Amend RSA 59 by inserting after section 3 the following new section:

59:3-a Notice Required. The secretary of state shall assure that each ballot shall include prominently printed on the top thereof cautionary language informing the voter that if he does not mark his ballot as provided by RSA 59:58, 59:59, 59:10, 59:12 and 59:60, his vote shall not be counted for those items improperly marked.

4 Straight Party Voting. Amend RSA 59:10 by striking out said section and inserting in place thereof the following:

59:10 Circle. Above the party designation shall be printed a circle not less than 3/4 of an inch in diameter, and such circle shall be surrounded by the following words printed in plain letters: For a straight ticket make a cross (X) or a check mark ( ), and nothing else, within this circle.

5 Voting on Questions Submitted. Amend RSA 59:12 as amended by striking out said section and inserting in place thereof the following:



59:12 Questions Submitted. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people such question shall be printed upon the ballots after or beneath the list of candidates. The ballots shall be so printed as to give to each voter an opportunity to designate by a cross (X) or a check mark ( ), and nothing else, in a square his answer to the question submitted. A convention to revise the constitution may, however, direct that amendment questions shall be printed on a separate ballot. On all ballots, above constitutional amendment questions, there shall be printed the following words: Questions Relating to Constitutional Amendments Proposed by the Convention to Revise the Constitution.

6 Questions. Amend RSA 59:60 by striking out said section and inserting in place thereof the following:

59:60 --Question Submitted. In case of a question submitted to the vote of the people, he shall mark in the appropriate square a cross (X) or a check mark ( ), and nothing else, against the answer which he desires to give.

7 Check Marks to Be Counted. Any question that appears on any ballot after the effective date of this act shall be marked with a cross (X) or checkmark ( ), and nothing else, and such vote shall be counted notwithstanding any statute or law passed previously or subsequently with a provision for marking a cross in a square to indicate preference.

8 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Rice yielded to questions.

Reps. Carswell and Sing spoke to the committee report.

Rep. Bednar spoke in favor of the committee report.

Rep. Bridges spoke against the committee report.

Rep. Bridges moved that HB 755 be laid upon the table.

Motion lost.

Rep. Paul Riley offered an amendment.

#### Amendment

Amend RSA 59:59 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

59:59 Alternative Marking. If a voter desires not to vote a straight ticket, he shall not mark in any circle and may vote for one or more candidates by marking a cross (X) or a check mark ( ), and nothing else, in the square opposite the names, or by writing in the names of the candidates of his choice in the blank below or right-hand column, and such votes shall be counted.

The Assistant Clerk read the amendment.

Rep. Riley explained his amendment.

Rep. Bridges spoke against the amendment.

Rep. Hildreth moved the previous question. Sufficiently seconded. Adopted.

Rep. Plourde requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 20 NAYS 267

YEAS 20

BELKNAP: None.

CARROLL: Keller and Towle.

CHESHIRE: Irvin Gordon.

COOS: None

GRAFTON: None.

HILLSBOROUGH: Ahern, Burke, Crotty, Podles, Paul Riley and Leonard Smith.

MERRIMACK: Eugene Daniell, Foley and Rich.

ROCKINGHAM: Aller, Erler, Hoar, Webster and Wolfesen.

STRAFFORD: Hebert, Sackett and Tripp.

SULLIVAN: None.

NAYS 267

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Krause, Ladd, Marshall, Matson, Moore, Proctor, Russell, Scranton, Slack, Vrakatitsis, Whipple and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, George Lemire, Poulin, Mabel Richardson, Theriault, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Cornelius, Crory, Dearborn, Gemmill, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glynetta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Aubut, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Bridges, Brody, Carswell, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, LaFleur, LaPlante, Armand Lemire, Levesque, Lyons, Marcoux, Martineau, McGlynn, Morgan, Fred Murray, Nardi, Nemzoff-Berman, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters,



Plomaritis, Polak, Henry Richardson, Seamans, Sing, St. George, Stahl, Stylianos, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Doris Riley, Shepard, Gerald Smith, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, Blanchette, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Robert Day, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Goff, Gould, Greene, Grieco, Griffin, Hartford, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Donnelly, Charles Grassie, Dianne Herchek, James Herchek, Joos, Kelly, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Schreiber, Donald Smith, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Lewko, Spaulding, Sara Townsend and George Wiggins, and the amendment lost.

Committee report adopted.  
Ordered to third reading.

HB 772, prohibiting candidates for any elective position other than a position as an election official, from working within a polling place. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill would prohibit any candidate for any elective office other than an office as an election official from working within a polling place at the time of election. The Committee felt that this bill would greatly demonstrate to voters the purity of elections. It would further minimize any controversy or questions concerning a candidate who in the past has also been able to work as an election official. This bill would further ensure that no one candidate received a preferential advantage during the election process. All testimony received from witnesses during the public hearing strongly agreed with the intent of this bill and urged its adoption.

Rep. Wilfrid Boisvert moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Rep. Henry Richardson spoke in favor of the motion.

Reps. Rice and Bednar spoke against the motion.

Rep. Raymond K. Conley, Jr. moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested.  
Sufficiently seconded.

Rep. Daniel Eaton abstained from voting under Rule 16.

(Speaker presiding)

YEAS 52 NAYS 228

YEAS 52

BELKNAP: Roderick Allen, Howard, Keller and Towle.

CARROLL: None.

CHESHIRE: Matson.

COOS: Fortier, Mabel Richardson and Wiswell.

GRAFTON: Dearborn, Taylor and Glyneta Thomson.

HILLSBOROUGH: Emile Boisvert, Wilfrid Boisvert, Burke, Crotty, William Desmarais, Arline Dion, Drewniak, Clyde Eaton, Gabrielle Gagnon, Daniel Healy, Karnis, Lachance, LaPlante, Lyons, McGlynn, Morgan, Arnold Perkins, Henry Richardson and Stylianos.

MERRIMACK: Bibbo, Chandler, Richard Hanson, Ralph, Gerald Smith and Trachy.

ROCKINGHAM: Connors, Cotton, Davis, Goff, Laycock and Alfreda Smith.

STRAFFORD: Walter Desmarais, Joos, Maloomian and Nadeau.

SULLIVAN: Barrus, Desnoyer, Gray, LeBrun, Spaulding and George Wiggins.

NAYS 228

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Hildreth, Mansfield, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Clafin, Raymond Conley, Dickinson, Found, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Dostilio, Galloway, Anne Gordon, Irvin Gordon, Krause, Ladd, Marshala, Moore, Proctor, Russell, Scranton, Vrakatitsis and Terry Wiggin.

COOS: Cooney, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Poulin, Theriault, Willey and Neila Woodward.

GRAFTON: Ira Allen, George Cate, Chambers, Cornelius, Gemmill, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Madeline Townsend, Ward and Michael Woodward.

HILLSBOROUGH: Ahern, Aubut, Bednar, Belanger, Bosse, Brack, Bridges, Brody, Carswell, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, L. Penny Dion, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Howard Humphrey, Thomas Hynes, Keefe, Knight, LaFleur, Armand Lemire, Levesque, Marcoux, Martineau, McLaughlin, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Podles, Seamans, Leonard Smith, St. George, Stahl, Harold Thomma, Van Loan, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Polly Johnson, Donna MacIvor, McLane, McNichol, Mullin, Pelton, Arthur Perkins, Rice, Rich, Doris Riley, Shepard, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Blake, Blanchette, Carpenito, Collins, Cummings, Cunningham, Danforth, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Canley, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kashulines, King, Krasker, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Burchell, Canney, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Kelly, Lefavour, Lessard, Maglaras, Meader, Morrisette, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, Ingram, Lewko, Sara Townsend and Tucker, and the motion lost.  
Ordered to third reading.

#### CHAPTER 60

HB 343, providing for the delivery by the town clerk to the voter, in person, or mailing to said voter an absentee ballot. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill has acted as the vehicle to re-write RSA 60. The necessary changes have been made to take any questions out of absentee voting.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relevant to absentee voting.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Forms. Amend RSA 60:3 by striking out said section and inserting in place thereof the following:

60:3 Forwarding Forms. The secretary of state shall retain for his own use so many of the papers provided for in the preceding section as he may deem sufficient, and shall supply each city and town clerk in the state with as many of them as he may deem necessary. The papers mentioned in RSA 60:2, II and V shall, as soon as they can be prepared, be mailed or delivered to any person who applies therefor to the secretary of state or to any city or town clerk. Any ballots delivered pursuant to the provisions of this section shall be delivered only by officials from the secretary of state, city or town clerks' offices and delivered only to the applicant.

Absentee Ballot, Given to Requesting Applicant in Person. Amend RSA 60:4 as amended by striking out said section and inserting in place thereof the following:

60:4 Ascertain if Applicant is on Checklist. When an application for an official absent voting ballot is received by the clerk of a city or town, whether on the form supplied by the secretary of state, or by written statement containing the information required by RSA 60:2, II, said clerk shall check the same forthwith and ascertain if the applicant is on the checklist of the town or city. If such applicant is found to be on such checklist, said clerk shall, without delay, personally deliver or mail to said applicant the papers described in RSA 60:2, I, III and IV, or designate an assistant to deliver such papers to the applicant. The clerk may not designate as an assistant any person who is a candidate for office or who is representing or working for a candidate for office. If the clerk is a candidate for office, the selectmen or the mayor and aldermen shall appoint a temporary clerk to perform the duties of the clerk under this section. If the address to which the absent voter's ballot is sent is outside the continental United States or is in Alaska, such papers shall be sent by air mail. Said clerk shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent. Copies of said lists shall be open to inspection and shall be posted at the polling places during the day of election.

3 Voting Procedure. Amend RSA 60:6 as amended by striking out said section and inserting in place thereof the following:

60:6 Procedure in Voting, by Voter. A voter who has received an official absentee voting ballot as hereinbefore provided, may vote by marking his ballot and by mailing or personally delivering to such city or town clerk said ballot. After marking the ballot, the voter shall enclose and seal the same in the envelope provided for in RSA 60:2, III and shall enclose and seal the envelope containing the ballot in the envelope provided for in RSA 60:2, IV, endorse thereon his name, address and voting place, and shall then mail the envelope, postage prepaid, or personally deliver it to said city or town clerk.

4 Clerk. Amend RSA 60:7 as amended by striking out said section and inserting in place thereof the following:

60:7 Procedure, by Clerk. Upon receipt of the envelope (mailed or delivered to the town clerk), purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an official absentee voting ballot executed by the voter whose name appears thereon. All such envelopes shall be preserved unopened. Upon election day, prior to the closing of the polls, the said clerk shall deliver all envelopes (with applications) received by him to the moderators in the several voting precincts in which the voters names therein assert the right to vote, taking a receipt from the moderator therefor. No absentee voter's ballot shall be cast or counted unless it is delivered to the moderator at the proper polling place prior to the closing of the polls on the day of the election.

5 Moderator. Amend RSA 60:8 as amended by striking out said section and inserting in place thereof the following:

I. Absentee ballots shall be deposited in the ballot boxes only at the close of the polls, but immediately after the polls are closed and before the ballots cast have been removed from the ballot box. The moderator shall clearly announce that he is about to open the envelopes which were delivered to him under the provisions of RSA 60:7. The moderator shall remove the inner envelopes containing the ballots of absentee voters and shall compare the signatures on the inner envelopes with the signatures on the application for the ballot. If

(a) the name of the voter is on the checklist; and

(b) the affidavits on the envelope appear to be properly executed; and

(c) the signatures on the affidavits appear to be executed by the same person who signed the application; and

(d) the signatures appear to be the signatures of a duly qualified voter who was not voted at the election, the moderator shall publicly announce the name of the absentee voter.

II. After announcing the name of the voter, the moderator shall open the envelope containing the ballot so that affidavit on the envelope is not destroyed. The moderator shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be opened or examined. The moderator shall then have a check mark placed against the name of the absentee voter on the voting list by writing on the voting list the letters "A.V." in red ink, and shall then deposit the ballot in the ballot box.

III. If the moderator finds that the affidavit on the envelope is improperly executed, or that it is not signed by the person who signed the application attached to the envelope, or if the voter whose name appears on the envelope is not a qualified voter, or has voted in the election in person, the moderator shall not open the envelope. If the moderator finds that the voter is not entitled to vote he shall mark across the face of the envelope the reason the ballot is rejected, such as "rejected as not a voter", "voted in person", "affidavit improperly executed", "not signed by proper person", or whatever the reason is. The moderator shall save all the envelopes, opened or unopened and shall keep the envelopes with the ballots cast at the election. The envelopes shall be preserved and destroyed in the same manner as provided for the retention, preservation, and destruction of official ballots.

6 Voting Machines. Amend RSA 60:8-a as inserted by 1969, 361:1 by striking out said section and inserting in place thereof the following:

60:8-a Municipalities Using Voting Machines. Election officials of a municipality which uses voting machines or devices in an election shall process and count absentee ballots in the same manner as prescribed in RSA 60:8 with the exception that the absentee ballots shall be counted at the close of the polls, but immediately prior to the counting of the totals from the voting machines by the voting officials.

7 Repeal. RSA 60:8-b, relative to nondisclosure by election officials is hereby repealed.

8 Applications for Absentee Ballots.

Amend RSA 60:8-c as inserted by 1969, 361:1 by striking out said section and inserting in place thereof the following:

60:8-c -Absentee Ballots-Cutoff. The clerk of any municipality in any election in which absentee voting is permitted shall not issue any application for absentee ballot forms after 11:00 a.m. on the day immediately prior to election day, nor shall he accept any completed absentee ballots delivered to him by any means after 5:00 p.m. on said day immediately prior to election day. The clerk shall deliver all properly submitted absentee ballots to the proper polling places as expeditiously as his duties permit.



9 Absentee Ballots Subject to Challenge. Amend RSA 60:9 as amended by striking out said section and inserting in place thereof the following:

60:9 Challenges. All absent voter ballots are subject to challenge before their removal from the envelope containing the ballot, but not thereafter. The person who makes the challenge shall state the reason for the challenge; if the ballot is challenged, the moderator shall write on the envelope containing the ballot the word "Challenged" and the name and address of the person who makes the challenge, and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1." The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, he shall not open the envelope but shall preserve it with the other ballots cast at the election. If the moderator decides that the challenge is not well grounded, he shall open the envelope and proceed first to mark on the reverse of the unopened ballot the corresponding challenge number as previously marked on the envelope. For example, for the first challenged ballot which he decides is not well grounded, he shall mark on the unopened reverse of the ballot "Challenged Ballot No. 1." He shall then proceed to cast the ballot as prescribed in RSA 60:8.

10 Penalty Provisions. Amend RSA 60:15 (supp) as amended by striking out said section and inserting in place thereof the following:

60:15 Penalties. Whoever, prior to the closing of the polls upon election day, shall show or exhibit an unsealed absent voter's ballot to any person, or shall use an absent voter's ballot for any purpose except to vote the same, shall be guilty of a misdemeanor; provided, that this provision shall not apply to any person engaged in printing or distributing or otherwise dealing with said ballots according to law; and whoever, not being entitled to vote under the provisions of this subdivision, votes or attempts to vote under the provisions hereof, or, being entitled to vote or attempts to vote under the provisions hereof, knowingly votes or attempts to vote in violation of the terms hereof, shall be guilty of a misdemeanor.

11 Absentee Ballot Forms. Amend RSA 60:28 (supp) as inserted by 1971, 502:1 by striking out said section and inserting in place thereof the following:

60:28 Forwarding Forms by Secretary of State. Secretary of state shall retain for his own use so many of the papers provided for in RSA 60:27 as he may deem sufficient, and shall supply each city and town clerk in the state with as many of them as he may deem necessary. The papers mentioned in RSA 60:27, II and IV shall, as soon as they can be prepared, be mailed or delivered only by officials from the

secretary of state, city or town clerk's offices to the applicant.

12 Applicant on Checklist. Amend RSA 60:29 (supp) as inserted by 1971, 502:1 by striking out said section and inserting in place thereof the following:

60:29 Ascertaining if Applicant is on Checklist. When an application for an official absentee voting ballot is received by the clerk of a city or town, whether on the form supplied by the secretary of state, or by written statement, containing the information required by RSA 60:27, II, said clerk shall check the same forthwith and ascertain if the person is on the checklist of the town or city, and is properly registered as to party designation. If such person is found to be on such checklist, and to be properly registered, or if such person is found to be on such checklist but is not registered as a member of any party but the information supplied states he is then applying for a ballot of a political party, he shall be registered as a member of said party and in either case, said clerk shall without delay deliver in person or mail to such applicant the papers described in RSA 60:29, I, III and IV. If the address to which the absentee voter's ballot is sent is outside the continental United States or is in Alaska, such papers shall be sent by air mail. Said clerk shall keep lists of the names and addresses, arranged by voting places, of all persons to whom official absentee voting ballots have been sent. Copies of said lists shall be open to inspection and shall be posted at the polling place during the day of the election.

13 Clerk Forwarding Forms. Amend RSA 60:34 (supp) as inserted by 1973, 59:1 by striking out said section and inserting in place thereof the following:

60:34 Forwarding Forms by the Clerk. The papers mentioned in RSA 60:33, II and V shall, as soon as they can be prepared, be mailed or delivered in person to any person who applies therefor to any clerk.

14 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

#### CHAPTER 69

HB 1185, concerning purity of elections. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

This bill is strictly for purity of elections. Committee report unanimous. Ordered to third reading.

#### CHAPTER 54

HB 1184, relative to a temporary absence from residence and its effect on voting rights. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.



This bill attempts to provide a more adequate definition of temporary absence from voting residence. It states that once legal voting residence is established, it remains until another is acquired. A voter can have only one voting residence and that residence must be the voter's principal, established home for a greater portion of the year than any other established residence. Committee vote was unanimous. Ordered to third reading.

HB 1186, relative to legal voters. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision. This bill establishes a legal voter as one who is a citizen of the United States, of an age provided for in Article 28 of Part Second of the Constitution of New Hampshire, and who is an inhabitant of the state, having a fixed and permanent established domicile within the community in which he desires to vote. This residence, whether or not the voter lives elsewhere for portions of each year, is that place in which he dwells and has a domicile for a greater portion of each year than in any other factual place. Committee vote was unanimous. Ordered to third reading.

#### CHAPTER 57

HB 390, relative to the selection of delegates to national presidential nominating conventions. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

HB 390 would greatly simplify the presidential primary by eliminating the names of delegates and alternates to the national convention of each political party. This bill would encourage voter participation as it would shorten voting lines at the polls. The voting machine in Manchester would not have had space for any more candidates in the last presidential primary. Bill also gives each candidate, delegates and alternates in direct proportion to the popular vote.

#### Amendment

Amend RSA 58:2 as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

58:2 How Primary is Held and Time Polls Open. Said primary election shall be held in connection with the regular March meeting or, if held on any other day, at a special election called by the secretary of state for that purpose; and in cities, at the regular polling places in the wards. In all cases, it shall be conducted by the regular election officers

Amend RSA 58:5, I as inserted by section 8 of the bill by striking out said paragraph and inserting in place thereof the following:

I. There shall be one column on the ballot of each political party for the office of president and vice president. The column shall be headed "Candidate of the (insert name of party) Party for President (or Vice President) of the United States." Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of president (or Vice President) of the United States to be as follows." Below these words, there shall be printed the names of candidates with the usual boxes at the right. There shall always be one blank space left for writing in the name of a candidate.

Amend RSA 58:5-a as inserted by section 9 of the bill by striking out same and inserting in place thereof the following:

58:5-a Voting Preference. Every qualified voter, eligible to vote in the election of his party, shall have opportunity at such presidential preference primary to vote his preference, on the ballot of his party, for his choice for one person to be the candidate of his political party for president of the United States and one person to be the candidate of his political party for vice president of the United States, either by writing the names of such persons in blank spaces to be left in said ballot for that purpose, or by marking a cross or check mark opposite the printed names of the persons of his choice, as in the case of other primaries.

Amend section 10 of the bill by striking out same and inserting in place thereof the following:

#### 10 Repeal.

I. RSA 57:1, relative to the primary for delegates, is hereby repealed.

II. RSA 57:2, relative to how the primary is held, is hereby repealed.

III. RSA 57:4, relative to ballots, is hereby repealed.

IV. RSA 57:6-a, relative to the form of the official ballot, is hereby repealed.

V. RSA 57:9, relative to recount, is hereby repealed.

VI. RSA 57:10, relative to applicable provisions, is hereby repealed.

VII. RSA 58:6, relative to the effect of primary, is hereby repealed.

#### Amendment adopted.

Rep. Marshall French moved that HB 390 be indefinitely postponed and spoke to his motion.

Reps. Pelletier, Podles, and Carswell spoke against the motion.

Rep. Eugene Daniell spoke in favor of the motion.

Rep. Woodard requested a quorum count. The Speaker declared a quorum present.

Reps. Wallin and Russell spoke against the motion.

Reps. Cecelia Winn, Griffin and Ward spoke in favor of the motion.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested.  
Sufficiently seconded.

(Speaker presiding)  
YEAS 129 NAYS 181  
YEAS 129

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson, Mansfield, Morin, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claflin, Dickinson, Found, Howard and Towle.

CHESHIRE: Fillback, Anne Gordon, Irvin Gordon, Ladd, Marshala, Moore and Scranton.

COOS: Fortier, Bradley Haynes, Horton, Hunt, Patenaude and Willey.

GRAFTON: George Cate, Logan, Pepitone, Stomberg, Taylor, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Bednar, Bridges, Dupont, Gabrielle Gagnon, Head, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Levesque, Lyons, Marcoux, Morgan, Morrison, Arnold Perkins, Peters, Plomaritis, Seamans, Sing, Stahl, Stylianos, Francis Sullivan, Harold Thomson, Wallace, Emma Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bibbo, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McLane, Arthur Perkins, Ralph and Trachy.

ROCKINGHAM: Akerman, Aller, Benton, Blake, Campbell, Cunningham, Davis, Erler, Beverly Gage, Carl Gage, Gaskill, Gould, Greene, Griffin, Laycock, Donna McEachern, Joseph McEachern, Norton, Richards, Kidder, Sanborn, Scamman, Alfreda Smith, Stimmell, Vlack and Helen Wilson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Kelly, Lefavour, Meader, Nadeau, Osgood, Preston, Torrey, Tripp and Valley.

SULLIVAN: Brodeur, D'Amante, Desnoyer, Gray, LeBrun, Lewko, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 181

BELKNAP: Ambrose, Gary Dionne, Hildreth and James Murray.

CARROLL: Roderick Allen, Raymond Conley, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Dostilio, Daniel Eaton, Galloway, Elmer Johnson, Proctor, Margaret Ramsay, Russell, Vrakatisis, Whipple and Terry Riggin.

COOS: Cooney, Huggins, Poulin, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Ira Allen, Buckman, Chambers, Cornelius, Dearborn, Gemmill, McAvoy, Neil McIver, Rounds, Snell, Taffe, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Aubut, Belanger, Bosse, Brack, Brody, Burke, Carswell, Coburn, Corser, Joseph Cote, Margaret Cote, Coughlin, Crotty, Cully, Catherine-Ann Day, William Desmarais, Arline Dion, Drewniak, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Heald, Kaklamano, Knight, Lachance, LaFleur, LaPlante Martineau, McGlynn, Fred Murray, Nardi, Nemzoff-Berman, Normand, Timothy O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Podles, Polak, Henry Richardson, Paul Riley, Simard, Leonard Smith, Soucy, St. George, Kevin Sullivan, Van Loan, Wallin, Geraldine Watson, Robert Wheeler and James J. White.

MERRIMACK: Bellerose, Blakeney, Bodi, Laurent Boucher, Carroll, Hess, McNichol, Mullin, Pelton, Plourde, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Bisbee, Blanchette, Carpenito, Connors, Cotton, Cummings, Cutcliffe, Danforth, Robert Day, Dunfee, Felch, Flanagan, Ganley, Goff, Grieco, Hartford, Hoar, Kane, Kashulines, King, Krasker, Lovejoy, Joseph MacDonald, Maynard, Nelson, Niebling, Parolise, Parr, Pucci, Quimby, Anthony Randall, Rossley, Schwaner, Skinner, Splaine, Tavittin, Webster, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Burchell, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Lessard, Maglaras, Maloomian, Morrisette, Rod O'Connor, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Voll and Shirley White.

SULLIVAN: Barrus, Ingram and Scott, and the motion lost.

Rep. Richard Hanson wished to be recorded in favor of the motion to Indefinitely Postpone.

Rep. Griffin offered an amendment and requested to dispense with the reading. There being an objection, the Assistant clerk read the amendment.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Alternate Delegates. Amend RSA 57:5 (supp) as amended by striking out said section and inserting in place thereof the following:

57:5 Declaration of Candidacy.

1. The name of a candidate shall not be printed upon any such ballot unless not more than 74 nor less than 44 days before the primary he files with the secretary of state a declaration of candidacy, and

unless he, or some person for him, shall pay to the secretary of state a filing fee of \$10 requesting that his name be placed on the primary ballot; provided, that vacancies on the primary ballot of any party may be filled as provided in RSA 57:5 hereof. The number of days herein given shall include Sundays and shall end on the day before the primary at 5 o'clock in the afternoon.

II. The name of an alternate delegate shall not be printed upon any such ballot. The presidential candidate may select his alternates if it becomes necessary.

2 Form for Declaration of Candidacy. Amend RSA 57:6 (supp) as amended by striking out said section and inserting in place thereof the following:

57:6 --Form.

1. Declarations of candidacy shall be in form as follows:

"I ..... declare that I reside in ward ..... in the city (or town) of ....., county of ..... and state of New Hampshire, and am a qualified voter therein; that I am a registered member of the ..... party; that I am a candidate for election as delegate or delegate-at-large to the national convention of the ..... party next to be held for the nomination of candidates of said party for president and vice president of the United States. I request that my name be printed as such candidate on the official ballot of the ..... party to be used at the primary to be held on the date specified in or determined by the circumstances pursuant to RSA 57:1 and 2. I further declare that if elected as such delegate or delegate-at-large I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control."

II. "If the person desires to do so he may add to such declaration either of the following 2 statements: (1) "I am favorable to (insert the name of any person) as the candidate for said party for president, and I request that my name appear upon the ballot under the designation 'Favorable to .....'" or (2) "I pledge myself, if elected as such delegate or delegate-at-large to vote in said convention, whenever I shall vote for the nomination of (inserting the name of any person) as the candidate for said party for president so long as he shall be a candidate before said convention, and I request that my name appear on the ballot under the grouping of 'pledged to .....'. In the case of the second option the name shall be printed upon the ballot as a pledged candidate as requested if such candidate for president files his written consent thereto with the secretary of state before the time for the filing of declarations expires but not otherwise. If consent is not given the name of the candidate shall appear on the ballot under the "undesignated" grouping.

3 Repeal. RSA 57:6-a, VI, relative to alternate delegates, is hereby repealed.

4 Delegates for a Write-In Candidate. Amend RSA 57 by inserting after section 8 the following new section: 57:8-a Write-In Candidate. In the event a write-in candidate for either political party receives 10 or more percent of the total ballots cast in his political party in the primary held pursuant to RSA 58 said candidate shall designate his authorized number of delegates pursuant to RSA 57:5, and each delegate so designated shall execute the pledge of support as specified in RSA 57:6.

5 Delegate Vacancies. Amend RSA 57:7 (supp) as amended by striking out said section and inserting in place thereof the following:

57:7 Vacancies. If there is to be vacancy upon the primary ballot of any party by reason of the failure of as many persons to file as candidates for delegates, or delegates-at-large, as are to be elected, such vacancies may be filled, after the expiration of the time allowed for filing and 41 days before the primary, by the state committee of that party, without the payment of any fee, and the secretary of state, upon receipt of proper notice, shall cause the names selected by the state committee to be printed upon the primary ballot to fill such vacancies.

6 Effective Date. This act shall take effect 60 days after its passage.

Rep. Griffin spoke to her amendment.

Reps. Catherine-Ann Day, Carswell and Dearborn spoke against the amendment.

Rep. McLane spoke in favor of the amendment.

Rep. Rice moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 104 NAYS 207

YEAS 104

BELKNAP: Beard, Bowler, Marshall French, Morin, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claflin, Dickinson, Found, Howard and Towle.

CHESHIRE: Fillback, Anne Gordon, Ladd, Marshala, Moore and Scranton.

COOS: Bradley Haynes, Horton, George Lemire, Theriault and Willey.

GRAFTON: Gemmill, Logan and Ward.

HILLSBOROUGH: Ainley, Arnold, Bednar, Bridges, Corser, Dupont, Gabrielle Gagnon, Head, Daniel Healy, Thomas Hynes, Keefe, Lyons, Marcoux, Morrison, Arnold Perkins, Peters, Sing, Francis Sullivan, Harold Thomson, Van Loan, Wallace, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.



MERRIMACK: Ayles, Bibbo, John Cate, Milton Cate, Eugene Daniell, Foley, Richard Hanson, Polly Johnson, Kidder, Donna MacIvor, McLane, Arthur Perkins, Ralph, Rich, Trachy and Wiviott.

ROCKINGHAM: Akerman, Aller, Benton, Blake, Campbell, Cunningham, Davis, Beverly Gage, Carl Gage, Gaskill, Gould, Greene, Griffin, Joseph McEachern, Rogers, Sanborn, Scamman, Stimmell, Vlack and Helen Wilson.

STRAFFORD: Appleby, Walter Desmarais, Hebert, Lefavour, Meader, Nadeau, Preston, Torrey, Tripp and Valley.

SULLIVAN: D'Amante, Desnoyer, LeBrun, Lewko, Spaulding, Sara Townsend and Tucker.

#### NAYS 207

BELKNAP: Ambrose, Gary Dionne, Michael Hanson, Hildreth, Mansfield and James Murray.

CARROLL: Roderick Allen, Raymond Conley, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Galloway, Irvin Gordon, Proctor, Margaret Ramsay, Russell, Vrakatisis, Whipple and Terry Wiggin.

COOS: Cooney, Fortier, Huggins, Hunt, Patenaude, Poulin, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Cornelius, Dearborn, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Bernier, Bosse, Brack, Brody, Burke, Carswell, Coburn, Mark Connolly, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, Drenniak, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Heald, George Healy, Howard Humphrey, Kaklamanos, Karnis, Knight, Lachance, LaFleur, LaPlante, Levesque, Martineau, McGlynn, Morgan, Fred Murray, Nardi, Normand, Timothy O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Simard, Leonard Smith, Soucy, St. George, Stahl, Stylianos, Kevin Sullivan, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler and James J. White.

MERRIMACK: Bellerose, Blakeney, Bodi, Laurent Boucher, Carroll, Hess, James Humphrey, McNichol, Mullin, Pelton, Plourde, Rice, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Bisbee, Blanchette, Carpenito, Connors, Cotton,

Cummings, Cutliffe, Danforth, Robert Day, Dunfey, Erler, Felch, Flanagan, Ganley, Goff, Grieco, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rossley, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Webster, Wojnowski, Wolfson and Zabarsky.

STRAFFORD: Burchell, Canney, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Joos, Kelly, Lessard, Maglaras, Maloomian, Morrisette, Rod O'Connor, Osgood, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Voll and Shirley White.

SULLIVAN: Barrus, Bordeur, Gray, Ingram, Scott and George Wiggins, and the amendment lost.

Question being on the committee report.  
Ordered to third reading.

HB 58, relative to the form of ballots for election of delegates to the national convention. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision

Committee vote was unanimous. Subject matter covered in HB 390. Resolution adopted.

#### CHAPTER 56

HB 29, amending the election laws relative to the qualifications of a candidate filing for certain political offices. Ought to Pass with Amendment. Raymond K. Conley, Jr. for the Statutory Revision.

The Committee vote was 14-0. Provides for uniformity of affidavits to be filed by candidates in the primary.

#### Amendment

Amend RSA 56:7-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

#### 56:7-a Qualification of Candidates.

The form of affidavit prepared by the secretary of state for candidates for the office of state senator or representative, as required by RSA 56:7, shall specifically provide the following: (For use by candidate for state senate): I ..... candidate for the office of senator for the ..... district hereby swear or affirm that I am at least 30 years of age, have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election at which I am a candidate, a registered voter, a member of the political party of which I seek the nomination and at the present time am an inhabitant of and dwell in senatorial district No. .... (For use by candidate for representative to the general court): I ..... candidate for the office of representative from



District No. .... of .... county hereby swear or affirm that I am at least 18 years of age, that for 2 years, at least, prior to the election at which I am a candidate, I have been an inhabitant of the state of New Hampshire, I am a registered voter and a member of the political party of which I seek the nomination and at the present time I am an inhabitant of and dwell in District No. .... of .... county, the district I seek to represent.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

### 3 Form for Declaring Candidacy.

Amend RSA 56:12 as amended by striking out said section and inserting in place thereof the following:

#### 56:12 Form and Requirement.

I. Declarations of candidacy shall be in the following form: I, ..... declare that I am an inhabitant of and dwell in Ward ....., in the city (or town or unincorporated place) of ....., county of ....., State of New Hampshire, and am a qualified voter therein; that I am a registered member of the ..... party; that I am a candidate for nomination for the office of .....; (or for delegate to the state convention) to be made at the primary election to be held on the .... day of .....; and I hereby request that my name be printed on the official primary ballot of said ..... party as a candidate for such nomination or election. I further declare that if nominated as a candidate for said office or if elected as such delegate I will not withdraw, and that if elected I will qualify and assume the duties of said office.

II. All candidates for primary election subject to the provisions of this section, regardless of the method of selection, shall comply with the provisions contained therein before their name shall be printed on an official ballot.

4 Party Committees. Amend RSA 56:27 as amended by striking out said section and inserting in place thereof the following:

#### 56:27 Nominations by Party Committees.

I. In case no declaration shall be filed by a candidate and no petition shall be filed in behalf of a candidate for any nomination to be voted for at the primary, the nomination may be made by the party committee of the state, county, town or ward, as the case may be, and if in a representative district having more than one town, ward, or unincorporated place by the party committee of the county, by notifying the secretary of state before the close of the second business day after the expiration of the time for filing declarations of candidacy. The party committee shall pay the usual filing fee or file the usual number of petitions with the nomination.

II. The candidates nominated by the committee pursuant to paragraph I shall

file affidavits in compliance with RSA 56:7-a or RSA 56:12, no later than 10 days after the committee has notified the secretary of state.

5 Vacancies on Party Ticket. Amend RSA 56:55 (supp) as amended by striking out said section and inserting in place thereof the following:

#### 56:55 Filling of Vacancies.

I. Vacancies upon any party ticket in county, town or ward occurring after the holding of any primary shall be filled by the party committee for the county, town or ward, and if in a representative district containing more than one town, ward, or unincorporated place, by the party committee for the county in which the vacancy exists. All other vacancies upon any party ticket so occurring shall be filled by the state committee of the party or if previously authorized by the state committee, by the executive committee thereof. The name of any person so appointed shall be placed upon the official ballot provided notice of the appointment is seasonably filed with the secretary of state, except that notices of appointment where no candidate has filed and where the person whose name has been written in withdraws or refuses to accept the nomination or where the sole candidate filing for nomination shall be disqualified for any reason shall be filed with the secretary of state 40 days prior to the day of election for all candidates for any office. The number of days herein given shall include Sundays and shall end on the day before election at 5 o'clock in the afternoon.

II. The candidates selected by the state committee pursuant to paragraph I shall file affidavits in compliance with RSA 56:7-a or RSA 56:12, no later than 10 days after the appointment is filed with the secretary of state.

6 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 67, requiring that candidates for a given office be listed on the ballot in random order, rather than alphabetical order. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 13-1. Provides for the alternating of candidates names of the list or group in which it belongs in both multi-town or ward as well as a single town or ward.

#### Amendment

Amend RSA 56:30 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 56:30 Order of Names, Blank Lines.

I. Whenever there are 2 or more candidates for nomination to the same office who are to be voted for in more than one town or ward, including the office of state representative, the names of such candidates shall be so alternated

on the ballots used that each shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list or group in which it belongs.

II. Names of candidates for nomination to the same office who are to be voted for in only one town or ward or representative district shall be alternated on the ballots used in the same manner as prescribed in paragraph I.

III. Following the names printed on the ballot, after the name of each office to be filled, shall be as many blank lines, without squares at the end thereof as there persons to be elected to that office.

Amendment Adopted.

Ordered to third reading.

HB 167, allowing a voter to change his party affiliation at anytime the supervisors of the checklist meet. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 8-6. Allows for change of party affiliation from 90 days before primary to 20 days before primary. Also makes uniform in the election laws the number of public places for posting checklists.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to legal voters changing party affiliation and the posting of checklists.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Altering Party Registration of Legal Voter. Amend RSA 56:37 (supp) as amended by striking out said section and inserting in place thereof the following:

56:37 Hearings on Alterations to Party Registration of Legal Voters. The supervisors shall be in session before each primary for the change of registration of legal voters as provided in RSA 56:40. The sessions shall be on 2 days at least and at such other times as they deem necessary, and shall not be less than 20 days prior to such primary.

Registration Change. Amend RSA 56:40, I and II (supp) as amended by striking out said paragraphs and inserting in place thereof the following:

I. Change of Registration of a Voter Whose Party Membership has been Previously Registered.

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward any time they meet as provided in RSA 56:37 and stating to them under oath or affirmation, if required, that:

(1) He intends to affiliate with and generally supports the candidates of the

party with which he offers to register, in which case he shall be registered as a member of such party; or

(2) He does not wish to be registered as a member of any party, in which case his party designation shall be removed from the checklist.

(b) He may also change such registration at any primary, upon making oath or affirmation to the same effect, if challenged, but he shall not be permitted in such case to vote the ballot of any party at such primary.

II. Change of Registration of a Voter Whose Party Membership has not been Previously Registered.

(a) Any legal voter who has not been registered as a member of any party may register as a member of the party of his choice by appearing before the supervisors of the checklist for his town or ward any time they meet as provided in RSA 56:37 and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

(b) He may also register as a member of a party at any primary by requesting and voting the ballot of the party of his choice, and if challenged, he shall take an oath or affirmation to the effect that he intends to affiliate with and generally supports the candidates of that party.

3 Posting Checklist. Amend RSA 56:36 by striking out in line 3 the word "three" and inserting in place thereof the following (2) so that said section as amended shall read as follows:

56:36 Posting Copies. They shall post copies of the checklist, showing the persons in the town or ward entitled to vote, with their party registration, so far as such registration has been made, in 2 public places in such town or ward, at least 10 days prior to such session; and notice of the date, hour and place of the daily sessions to revise such registration shall be given upon such checklists.

4 Initial Registration. Amend RSA 56:39 by striking out in line 5 the word "ninety" and inserting in place thereof the following (20) so that said section as amended shall read as follows:

56:39 Party Registration. Whenever names are added to the checklist the supervisors shall register the party membership of the voter if he desires such membership registered; but if such voter has already been registered in any town or ward in this state as a member of any party he shall not be registered as a member of a different party within 20 days before any primary. The party membership of each voter may be registered by writing in ink, printing, or rubber stamping, after the name of such voter, the first 3 letters of the name of the party with which he registers.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. George Wiggins moved that HB 167 be indefinitely postponed and spoke to his motion.

Rep. Kenneth Randall explained the bill.

Motion lost.

Question being on the adoption of the Committee report.

Rep. Richard Hansen requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 165 NAYS 123

YEAS 165

BELKNAP: Bowler, Gary Dionne, Michael Hanson, Hildreth, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley and Keller.

CHESHIRE: Close, Dostilio, Daniel Eaton, Galloway, Irvin Gordon, Matson, Vrakatisis and Terry Wiggins.

COOS: Cooney, Huggins, Hunt, Patenaude, Poulin, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Ira Allen, Buckman, George Cate, Cornelius, Gemmill, McAvoy, Snell, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Aubut, Bernier, Brack, Brody, Carswell, Joseph Cote, Coughlin, Cullity, Catherine-Ann Day, Dupont, Joseph Eaton, Nancy Gagnon, Girolimon, Cort Hansen, Head, Howard Humphrey, Knight, LaFleur, LaPlante, Levesque, Martineau, McLaughlin, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, Orcutt, Pappas, Pelletier, Plomaritis, Podles, Paul Riley, Leonard Smith, Soucy, St. George, Stahl, Stylianos, Kevin Sullivan, Van Loan, Wallace, Geraldine Watson, Robert Wheeler and James J. White.

MERRIMACK: Bellerose, Blakeney, Carroll, Milton Cate, Eugene Daniell, James Humphrey, McNichol, Mullin, Pelton, Plourde, Ralph, Rice, Doris Riley, Doris Thompson, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Connors, Cotton, Cummings, Cunningham, Robert Day, Dunfee, Flanagan, Carl Gage, Goff, Greene, Grieco, Hartford, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Niebling, O'Keefe, Parolise, Parr, Pucci, Rossley, Sanborn, Schwaner, Alfreda Smith, Vlack, Webster, Wojnowski and Zabarsky.

STAFFORD: Appleby, Burchell, Walter Desmarais, Bruce French, Chles Grassie, Dianne Herchek, James Herchek, Joos, Kelly, Lefavour, Lessard, Maglaras, Morrisette, Rod O'Connor, Dennis Ramsey, Sackett, Schreiber, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Desnoyer, Gray, LeBrun, Scott, Sara Townsend and Tucker.

NAYS 123

BELKNAP: Beard and Mansfield.

CARROLL: Dickinson, Found, Howard, Kenneth MacDonald and Towle.

CHESHIRE: Fillback, Anne Gordon, Ladd, Marshala, Moore, Proctor, Margaret Ramsay, Russell, Scranton and Whipple.

COOS: Fortier, Bradley Haynes, Horton, Willey and York.

GRAFTON: Logan, Neil McIver, Pepitone, Rounds, Glyneta Thomson and Ward.

HILLSBOROUGH: Ainley, Arnold, Bednar, Bridges, Burke, Coburn, Mark Connolly, Corser, Margaret Cote, Crotty, William Desmarais, Drewniak, Clyde Eaton, Gabrielle Gagnon, Granger, Heald, Daniel Healy, George Healy, Thomas Hynes, Kaklamanos, Karnis, Keefe, Lachance, Lyons, Marcoux, McGlynn, Morgan, Timothy O'Connor, Paradis, Arnold Perkins, Polak, Henry Richardson, Seamans, Simard, Sing, Francis Sullivan, Harold Thomson, Emma Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Chandler, Foley, Richard Hanson, Polly Johnson, Kidder, Donna MacIvor, Arthur Perkins, Rich, Shepard, Gerald Smith and Wiviott.

ROCKINGHAM: Akerman, Aller, Bisbee, Blake, Campbell, Cutcliffe, Davis, Erler, Felch, Beverly Gage, Ganley, Gould, Hoar, Kane, Kashulines, King, Norton, Anthony Randall, Richards, Rogers, Skinner, Stimmell, Tavitian, Helen Wilson and Wolfson.

STAFFORD: Hebert, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel and Donald Smith.

SULLIVAN: Brodeur, Ingram, Lewko, Spaulding and George Wiggins, and the committee report was adopted.

Ordered to third reading.

HB 789, relative to a change in party registration. Inexpedient to Legislate. Rep. Raymond K. Conley for Statutory Revision.

The Committee vote was 11-4. The subject matter of this bill is covered in HB 167 and others. Resolution adopted.

HB 837, relative to the filing for candidates for the house of representatives. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.



The Committee vote was 9-6. Changes filing place for House of Representatives from local area to the Secretary of State. Filing fee to go to Secretary of State. May be done by mail except on the last day of filing.

Rep. Clyde Eaton moved that HB 837 be Indefinitely Postponed, and spoke to his motion.

Reps. Kenneth Randall and Hildreth spoke against the motion.

Reps. Richard Hanson, Coburn and Bridges spoke in favor of the motion.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested.

Sufficiently seconded.

(Speaker presiding)

YEAS 218 NAYS 71

YEAS 218

BELKNAP: Beard, Bowler, Gary Dionne, Mansfield, Morin, Nighswander and Sanders.

CARROLL: Dickinson, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Close, Daniel Eaton, Fillback, Anne Gordon, Irvin Gordon, Marshala, Matson, Margaret Ramsay, Scranton, Slack, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Poulin, Theriault, Willey, Wiswell and York.

GRAFTON: Buckman, George Cate, Cornelius, Gemmill, Logan, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ainley, Arnold, Aubut, Bednar, Brack, Bridges, Burke, Coburn, Joseph Cote, Coughlin, Crotty, Catherine-Ann Day, William Desmarais, Drewniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, LaPlante, Levesque, Marcoux, Martineau, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Timothy O'Connor, Orcutt, Pappas, Paradis, Arnold Perkins, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Sing, Leonard Smith, Soucy, St. George, Stahl, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, Mullin, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Benton, Bisbee, Blake, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Davis, Robert Day, Dunfey, Erler, Felch, Beverly Gage, Gaskill, Goff, Greene, Griffin, Hoar, Kane, Kashulines, King, Laycock, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Anthony Randall, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Tavitian, Vlack, Webster, Helen Wilson, Wolfesen and Zabarsky.

STRAFFORD: Appleby, Walter Desmarais, Donnelly, Hebert, Dianne Herchek, Joos, Kelly, Lefavour, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Osgood, Preston, Torrey, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 71

BELKNAP: Michael Hanson, Hildreth, James Murray and Kenneth Randall.

CARROLL: Roderick Allen, Claflin, Raymond Conley and Found.

CHESHIRE: Dostilio, Galloway, Moore, Proctor and Russell.

COOS: Alcide Valliere and Neila Woodard.

GRAFTON: Ira Allen, Copenhaver, Crory and McAvoy.

HILLSBOROUGH: Bernier, Carswell, Mark Connolly, Corser, Cullity, Arline Dion, Joseph Eaton, Nancy Gagnon, Kaklamanos, Lyons, Nardi, Pelletier, Plomaritis, Simard, Kevin Sullivan, James J. White and Ziakas.

MERRIMACK: Foley, Hess, McNichol, Pelton, Arthur Perkins, Plourde and Rice.

ROCKINGHAM: Aller, Blanchette, Campbell, Carpenito, Flanagan, Carl Gage, Ganley, Gould, Grieco, Hartford, Krasker, Lovejoy, Joseph MacDonald, O'Keefe, Richards, Rossley, Stimmell and Wojnowski.

STRAFFORD: Burchell, Bruce French, Charles Grassie, James Herchek, Lessard, Rod O'Connor, Dennis Ramsey, Sackett, Schreiber and Donald Smith.

SULLIVAN: None, and HB 837 was indefinitely postponed.

HB 839, increasing the filing fees for certain elective offices and increasing the signature requirements for filing primary petitions. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.



The Committee vote was 11-4. Doubles the filing fee for certain elective offices (see amendment) and increases the signature requirements for filing primary petitions.

#### Amendment

Amend RSA 56:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

56:14 Fees for Filing. At the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the officer with whom the same are filed the following fees: For governor and United States senator, \$200; for any state officer, other than governor, to be voted for throughout the state, and for representatives in congress, \$100; for councilor, \$50; for state senator, \$20; for county officer, \$10; for member of the house of representatives, \$4; for supervisor of the checklist, moderator, ward clerk or selectman of a ward where such officers are elected at the biennial election, \$2 each. The fees paid to a town or city clerk shall be paid to the treasurer of the town or city.

Amendment adopted.

Ordered to third reading.

HB 895, limiting a party primary candidate to one nomination for the same office and limiting a write-in primary candidate to one nomination for the same office. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 13-2. This bill does not provide for warning the voter that he could disfranchise himself if he writes in a candidate's name. Could raise a constitutional question if passed. (Bill reconsidered in executive session on 4/27/77. Motion failed).  
Resolution adopted.

#### SENATE MESSAGE

The Senate acceded to the request for a Committee of Conference on the Proposed Joint Rules.

The President appointed:

Sens. Rock  
Smith  
and Downing

The Speaker appointed:

Reps. Marshall French  
Griffin  
Chambers  
and Coutermarsh

#### COMMITTEE REPORTS (cont.)

HB 1090<sub>1</sub> relative to filing for an office when at the time of such filing a person is not of the age to qualify for that office. Ought to Pass with Amendment. Raymond K. Conley, Jr. for Statutory Revision.

The Committee vote was 14-1. Allows a candidate to run for the House of Representatives if he is 18 by the date of the Primary or for the Senate if he is 30 by the date of the Primary.

#### Amendment

Amend RSA 56:7-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 56:7-a Qualification of Candidates.

The form of affidavit prepared by the secretary of state for candidates for the office of state senator or representative, as required by RSA 56:7, shall specifically provide the following: (For use by candidate for state senate): I ..... candidate for the office of senator for the ..... district hereby swear or affirm that I am or will be at least 30 years of age upon the date set for the primary election, have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding said primary election at which I am a candidate, and at the present time am an inhabitant of and dwell in senatorial district No. .... (For use by candidate for representative to the general court): I

..... candidate for the office of representative from District No. .... of ..... county hereby swear or affirm that I am or will be at least 18 years of age on the date of the primary election, that for 2 years, at least, prior to the primary election at which I am a candidate, I have been an inhabitant of the state of New Hampshire, and at the present time am an inhabitant of and dwell in District No. .... of ..... county which I may be chosen to represent.

Amend RSA 56:12 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:  
56:12 --Form and Requirement.

I. Declarations of candidacy shall be in the following form: I, ..... declare that I am an inhabitant of and dwell in Ward .... in the city (or town or unincorporated place) of ..... county of ..... state of New Hampshire, and am a qualified voter therein or will be qualified to be a voter therein by the date of the next primary election; that I am or will be a registered member of the ..... party by the date of the next primary election; that I am a candidate for nomination for the office of ..... (or for delegate to the state convention) to be made at the primary election to be held on the ..... day of .....; and I hereby request that my name be printed on the official primary ballot of said ..... party as a candidate for such nomination or election.

II. All candidates for primary election subject to the provisions of this section, regardless of the method of selection, shall comply with the provisions contained therein before their name shall be printed on an official ballot.

Amend RSA 56:16 as inserted by section 3 of the bill by striking out section and inserting in place thereof the following:

56:16 Declaration of Party Membership. No primary petition as provided in RSA 56:15 shall be accepted by the office with whom it is to be filed unless there is attached thereto a declaration in the following form subscribed by the person who seeks to have his name printed upon the primary ballot:

STATE OF NEW HAMPSHIRE

I, ..... of ..... in the county of ..... do hereby assent to the printing of my name on the primary ballot as requested in the attached petition. I further declare that I am or desire to be when I have reached the age of 18 a registered member of the ..... party on the date of the primary election.  
(Signed) .....

State of New Hampshire

County of .....

The above-named ....., personally known to me, appeared and made oath that the above declaration by him subscribed is true.

Before me,

.....  
Justice of the Peace or Notary Public

Amend RSA 56:17 as inserted by section 4 of the bill by striking out said section and inserting in place thereof the following:

56:17 --Condition of Placing Name on Ballot. The name of a candidate shall not be printed upon the official ballot of any political party used at any primary under RSA 56:15 unless the candidate has declared, as provided in RSA 56:16, that he is or will be at the time of the primary election a member of the political party upon the official ballot of which he desires to have his name printed.

Amendment adopted.

Ordered to third reading.

HB 843, permitting independent voters to vote in primaries without declaring a party affiliation. Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision.

Committee vote was 8-6. The subject matter of this bill is covered in HB 167 and others.

Rep. Morrisette moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Dunfey spoke in favor of the motion.

Rep. Maglaras requested a quorum count. The Speaker declared a quorum present.

Reps. Carswell, Bridges, Coutermarsh and Kenneth Randall spoke against the motion.

Rep. Eugene Daniell spoke in favor of the motion.

Rep. Plourde moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 70 NAYS 232

YEAS 70

BELKNAP: Ambrose, Gary Dionne and Hildreth.

CARROLL: Roderick Allen and Found.

CHESHIRE: Dostilio, Matson and Terry Wigin.

COOS: Poulin, Alcide Valliere and Neila Woodward.

GRAFTON: Copenhaver, Cornelius, Neil McIver, Stomberg and Michael Woodward.

HILLSBOROUGH: Bernier, Brack, Coburn, Mark Connolly, Arline Dion, Joseph Eaton, Girolimon, Cort Hansen, Kaklamanos, Martineau, Nemzoff-Berman, Normand, Orcutt, Pappas, Seamans, Edward Smith, St. George, Wallin and James J. White.

MERRIMACK: Blakeney, Carroll, Eugene Daniell, McNichol, Pelton and Rice.

ROCKINGHAM: Aeschliman, Blake, Blanchette, Carpenito, Dunfey, Gaskill, Grieco, Kashulines, Krasker, Donna McEachern, O'Keefe, Rossley, Splaine and Vlack.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Joos, Kelly, Lessard, Maglaras, Morrisette, Dennis Ramsey, Sackett, Schreiber, Valley and Voll.

SULLIVAN: None.

NAYS 232

BELKNAP: Beard, Marshall French, Mansfield, Morin, James Murray, Kenneth Randall and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Ladd, Marshala, Moore, Margaret Ramsay, Russell, Scranton, Slack, Vrakatitsis and Whipple.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Theriault, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Crory, Dearborn, Gemmill, Logan, McAvoy, Pepitone, Rounds, Snell, Taffe, Taylor, Glynetta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Arnold, Aubut, Bednar, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Bridges, Brody, Burke,

Carswell, Corser, Joseph Cote, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Drewniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, LaPlante, Lyons, Marcoux, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nardi, Timothy O'Connor, O'Neil, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Simard, Sing, Leonard Smith, Soucy, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Geraldine Watson, Emma Wheeler, Robert Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, Mullin, Arthur Perkins, Plourde, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Akerman, Aller, Benton, Bisbee, Campbell, Connors, Cummings, Cunningham, Cutcliffe, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gould, Griffin, Hartford, Hoar, Kane, Laycock, Lovejoy, Joseph MacDonald, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Alfreda Smith, Stimmell, Tavitian, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Hebert, Lefavour, Maloomian, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Donald Smith, Torrey, Tripp and Shirley White.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost. Resolution adopted.

#### CHAPTER 68

HB 1187, increasing the jurisdiction of the ballot-law commission. Ought to Pass. Rep. Raymond K. Conley, Jr. for Statutory Revision.

HB 1187 gives the Ballot Law Commission, in addition to the jurisdiction it already has, jurisdiction over all disputes involving alleged violation of New Hampshire election laws of a non-criminal nature for which no specific statutory appeal procedure exists. Committee vote was 11-0. Ordered to third reading.

HB 1188, concerning membership of the ballot-law commission. Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. for Statutory Revision.

HB 1188 removes the Attorney General from the Ballot-Law Commission. It is now extremely difficult for the Attorney General to be associated with the decision-making process of any election appeal without claims of conflict arising. The Supreme Court would appoint one of the three members who then shall serve as Chairman. The remaining 2 members will be appointed by the governor with advice and consent of council from a list of 5 nominees selected by each of the two major parties. Committee vote was 13-0.

#### Amendment

Amend RSA 68:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following: 68:1 Organization. There shall be a ballot-law commission consisting of 3 members, one of whom shall be an attorney in good standing and licensed to practice in the state of New Hampshire. This member of the commission shall be appointed by the New Hampshire supreme court. The other 2 members shall be appointed by the governor with the advice and consent of the council from 2 lists consisting of 5 names each, submitted to the governor by the steering committee or executive committee of each of the 2 major political parties in the state based on votes cast for governor in the most recent biennial election. The terms of all commissioners shall be for 4 years, or until their successors are appointed and qualified, except that the first appointments shall be for terms of 2, 3 and 4 years, respectively. The supreme court nominee, who shall always be the chairman, shall be appointed in the first instance for a term of 2 years with the remaining 2 nominees appointed by the governor with the advice and consent of the council to be appointed initially for the terms of 3 and 4 years, respectively. Thereafter, one member shall be appointed at the expiration of each term to take office July first. Vacancies shall be filled in the same manner for the unexpired term. The 2 commissioners appointed by the governor with the advice and consent of the council shall not be of the same political party. The secretary of state shall be the recording officer and clerk of the commission, but shall have no vote in its decisions.

Amendment adopted.

Ordered to third reading.

#### CHAPTER 70

HB 35, permitting classified state employees to make political contributions. Majority: Ought to Pass with Amendment. Rep. Raymond K. Conley, Jr. Minority (Reps. Hartford, Podles, Robert Day, Clyde Eaton, Carswell and McAvoy): Inexpedient to Legislate.



Majority: The bill is supported by Mr. Denis Parker, who stated that it would emancipate state employees in political matters, and give them more freedom of expression in supporting candidates of their choice. Mr. Moran, executive director of the state AFL-CIO, also spoke in favor of the bill.

Minority: This bill removes the current restriction against political contributions by classified state employees. This bill, if passed, creates, in our view, two outstanding potential difficulties for New Hampshire's classified state employees to unwilling political activity fostered upon them by people in a position to affect their professional lives. Despite the provision in this bill creating penalties for illegal forcing of political activity, the facts of life are that a subtle request or suggestion by the proper person will be just as difficult to refuse as an actual threat. Secondly, since many of our state employees are paid at least in part by Federal funds, the obvious potential violation of the Federal Hatch Act continues, and the passage of this bill may suggest to all state employees that all restrictions against political activity have in fact been removed when this is not accurate as a matter of law. This bill would therefore, discriminate against those employees whose departments are subsidized even partially by Federal funds.

Rep. Carswell moved that HB 35 be indefinitely postponed, and spoke to her motion.

Reps. Joseph MacDonald, Hildreth and Rod O'Connor spoke against the motion.

Reps. Podles and Hartford spoke in favor of the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Kenneth Randall abstained from voting under Rule 16.

(Speaker presiding)

YEAS 199 NAYS 105

YEAS 199

BELKNAP: Beard, Marshall French, Michael Hanson, Mansfield, Morin, James Murray, Nighswander and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Connelley, Dickinson, Pound, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Dostilio, Fillback Galloway, Elmer Johnson, Ladd, Marshala, Moore, Scranton and Vrakatisits.

COOS: Fortier, Bradley Haynes, Horton, Huggins and Willey.

GRAFTON: Ira Allen, Buckman, George Cate, Dearborn, Gemmill, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taylor, Clynetta Thomson and Ward.

HILLSBOROUGH: Ainley, Arnold, Aubut, Bednar, Belanger, Emile Boisvert, Bosse, Brack, Burke, Carswell, Mark Connolly, Corser, Joseph Cote, Coughlin, Crotty, William Desmarais, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, LaPlante, Lyons, Marcoux, McLaughlin, Morrison, Fred Murray, Paradis, Arnold Perkins, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Leonard Smith, Stahl, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Geraldine Watson, Emma Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, Hess, James Humphrey, Kidder, Donna MacIvor, Arthur Perkins, Rich, Doris Riley, Shepard, Gerald Smith, Doris Thompson and Trachy.

ROCKINGHAM: Aeschliman, Akerman, Aller, Benton, Bisbee, Blake, Campbell, Connors, Cummings, Cunningham, Cutliffe, Davis, Robert Day, Erler, Felch, Beverly Cage, Carl Cage, Gaskill, Goff, Gould, Greene, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Joseph McEachern, Nelson, Norton, Parr, Anthony Randall, Rogers, Sanborn, Scamman, Schwaner, Skinner, Stimmell, Tavitian, Vlack, Webster, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Joos, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 105

BELKNAP: Ambrose, Bowler, Gary Dionne and Hildreth.

CHESHIRE: Daniel Eaton, Irvin Gordon, Matson, Proctor, Russell, Slack and Terry Wiggin.

COOS: Cooney, Hunt, George Lemire, Patenaude, Poulin, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Stomberg, Taffe and Michael Woodard.

HILLSBOROUGH: Bernier, Wilfrid Boisvert, Brody, Coburn, Margaret Cote, Coutermarsh,



Cullity, Catherine-Ann Day, L. Penny Dion, Drewniak, Kaklamanos, Martineau, McGlynn, Morgan, Nardi, Normand, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Peters, Edward Smith, Soucy, St. George, Francis Sullivan, Wallace, Wallin, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Eugene Daniell, McNichol, Mullin, Pelton, Ralph, Rice, Ernest Valliere and Robert Watson.

ROCKINGHAM: Blanchette, Carpenito, Cotton, Dunfey, Flanagan, Ganley, Grieco, Krasker, Laycock, Joseph MacDonald, Donna McEachern, Niebling, O'Keefe, Parolise, Pucci, Quimby, Richards, Rossley, Alfreda Smith, Splaine and Wojnowski.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Kelly, Lessard, Maglaras, Morrisette, Rod O'Connor, Dennis Ramsey and Shirley White.

SULLIVAN: Tucker, and HB 35 was indefinitely postponed.

Rep. Nemzoff-Berman wished to be recorded in favor of Inexpedient to Legislate on HB 35.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Marshall French offered the following.

#### HOUSE RESOLUTION NO. 42

commending the House Clerk and members of the staff.

WHEREAS, May 5, 1977 is the first Transfer Day between the two Houses of the Legislature; and

WHEREAS, this period of time creates additional pressures in the Clerk's Office; and

WHEREAS, the House Clerk's staff already put in long hours each day to insure that the business of the House is conducted efficiently, now, therefore, be it

RESOLVED, that the House of Representatives does now commend the following people in the Clerk's Office:

James A. Chandler, House Clerk  
Carl Peterson, Assistant House Clerk  
Howard Roundy, Administrative Assistant to the Clerk  
Andrea Lyons, Scheduling Secretary  
Carole Mack, Status of Bills Operator  
Dorothy Spear, Journal Clerk  
Ann Heath, Assistant Journal Clerk  
Elizabeth Campbell and  
Terry Stillman, Wang Operators  
Rosemary Blair, Secretary; and  
BE IT FURTHER RESOLVED that a copy of this resolution be prepared and delivered to the Clerk's Office.

Adopted.

#### COMMITTEE REPORTS (Cont.)

HB 24, eliminating prohibitions against political contributions by certain organizations. Majority: Inexpedient to Legislate. Rep. Raymond K. Conley, Jr. for Statutory Revision. Minority: (Rep. Joseph MacDonald): Ought to Pass.

Majority: The Committee is striving for election "reform" not "deform" Limits on amounts contributed for political expenditures have been declared unconstitutional. This bill allows affiliates of labor unions and corporations to dump unlimited slush funds into election campaigns. Purity of elections would no longer be safeguarded. Purchase of public officers is a step backward. Committee vote was 9-4. Minority: This bill would eliminate the prohibition against political contributions by organizations representing or affiliated with corporations or labor unions.

Rep. Joseph MacDonald moved that the Minority report, Ought to Pass, be substituted for the Majority report, Inexpedient to Legislate, and spoke to his motion.

Reps. Kenneth Randall, Clyde Eaton and Carswell spoke against the motion.

Rep. Hildreth spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 41 NAYS 262

YEAS 41

BELKNAP: Hildreth,

CARROLL: None.

CHESHIRE: Proctor, Russell and Terry Wiggin.

COOS: George Lemire.

GRAFTON: Chambers and Cornelius.

HILLSBOROUGH: Coutermarsh, Kaklamanos, McGlynn, Timothy O'Connor, Orcutt, Soucy, Wallin, James J. White, Cecelia Winn and John Winn.

MERRIMACK: Carroll, Plourde, Ralph, Rice and Ernest Valliere.

ROCKINGHAM: Blanchette, Carpenito, Connors, Cotton, Dunfey, Ganley, Grieco, Krasker, Joseph MacDonald, O'Keefe, Rossley and Splaine.

STRAFFORD: Charles Grassie, Dianne Herchek, James Herchek, Lessard, Morrisette and Rod O'Connor.

SULLIVAN: Tucker.

NAYS 262

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Mansfield, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Dostilio, Daniel Eaton, Fillback, Anne Gordon, Irvin Gordon, Ladd, Marshala, Matson, Moore, Margaret Ramsay, Scranton, Slack, Vrakatitsis and Whipple.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Ira Allen, Buckman, George Cate, Copenhaver, Crory, Dearborn, Gemmill, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Arnold, Aubut, Bednar, Belanger, Emile Boisvert, Bosse, Brack, Bridges, Brody, Burke, Carswell, Coburn, Mark Connolly, Corser, Joseph Cote, Coughlin, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, LaPlante, Lyons, Marcoux, Martineau, McLaughlin, Morgan, Morrison, Fred Murray, O'Neil, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Edward Smith, Leonard Smith, St. George, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Emma Wheeler, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, James Humphrey, Kidder, Donna MacIvor, McNichol, Mullin, Packard, Pelton, Arthur Perkins, Rich, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Aller, Benton, Bisbee, Blake, Campbell, Cummings, Cunningham, Cutcliffe, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Goff, Gould, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, King, Laycock, Lovejoy, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Tavitian, Vlacker, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Belhumeur, Canney, Walter Desmarais, Donnelly, Bruce French, Hebert, Joos, Kelly, Lefavour, Maglaras, Maloomian, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding, Sara Townsend and George Wiggins, and the motion lost.

Rep. Marshall French moved that HB 24 be Indefinitely Postponed.  
Adopted.

Reps. Coutermarsh, Chambers and Marshall French offered the following:

HOUSE CONCURRENT RESOLUTION NO. 7  
adopting joint rules for the  
1977 general court.

BE IT RESOLVED by the House of Representatives, the Senate concurring:  
That the joint rules of the 1977 general court be the joint rules as adopted by the House of Representatives on April 28, 1977.

The Assistant Clerk read the resolution.

Rep. Marshall French spoke in favor of the resolution, and yielded to questions.  
Adopted.

#### UNANIMOUS CONSENT

Rep. Raymond Conley addressed the House by unanimous consent.

#### COMMITTEE REPORTS (cont.)

HB 825, providing for a referendum to determine the form of city government for Dover. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

This is home rule for Dover.

Rep. Richard Hanson spoke to the committee report.

Rep. Maglaras offered an amendment.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Form of City Government. Pursuant to 1953, 358:34, the city of Dover is authorized to change its present form of city government from plan 2, city manager plan to plan 1, the mayor-council plan if approved by the majority of those present and voting at a special municipal election held in Dover on the fourth Tuesday of September, 1977.

2 Referendum Question in City Charter. Amend 1953, 358:34 by striking out said section and inserting in place thereof the following:

34 Referendum. Hereafter there shall be two alternative charters for the city of Dover. One shall be designated as Plan 1, being chapter 430 of Laws of 1949, as amended by sections 1 to 32, inclusive, of this act, and being the Mayor-Council Plan; the second shall be designated as Plan 2, being the charter set forth in section 33 of this act and being the City Manager Plan. In any odd-numbered year that 500 legal voters petition to submit to the voters of the city the question of which charter the city should adopt, there shall be a special election held in the city of Dover on the fourth Tuesday in September of such year and questions shall be submitted

to the voters of the city in substantially the following form: "Shall the city of Dover be governed by Plan 1, the Mayor-Council Plan or by Plan 2, the City Manager Plan" (Make a cross (X) opposite and to the right of either Plan 1 or Plan 2, but do not vote for both).

Plan 1-Amended Mayor-Council Plan

Plan 2-City Manager Plan

The preceding question shall appear at the top of the ballot used at said special election, and such ballot shall be prepared by the city clerk. If a majority of those voting cast ballots in favor of Plan 1 the present charter of the city, as amended by this act, shall be the charter of said city; if a majority of those voting cast ballots in favor of Plan 2 the provisions of section 33 of this act shall constitute the charter of said city. The adoption of either plan as hereinbefore provided shall constitute the suspension of the provisions of the other plan until said plan may be adopted at some subsequent election as hereinafter provided. The purpose of this section is to provide that the voters may in the manner above indicated change the charter of the city from one plan to the other.

3 Referendum. Section 1 or section 2, or both, of this act shall not take effect unless it is adopted by a majority vote of those present and voting at a special municipal election to be held in Dover on the fourth Tuesday of September, 1977. Such special election shall be warned the same manner as a regular municipal election. The city clerk shall cause to be prepared a ballot for said election which shall contain the following questions.

I. "Shall the provisions of section 1 of An Act passed by the 1977 general court which provides that the city shall change its form of city government from a city manager plan known as plan 2, to a mayor-council plan known as plan 1, be adopted?"

II. "Shall the provisions of section 2 of An Act passed by the 1977 general court which permit the voters to change the form of city government whenever 500 or more legal voters petition to have the question voted on at a special election to be held in September of any odd year be adopted?" Beneath these questions shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word, in which the voter may indicate his choice. The referendum shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on these questions vote in the affirmative on either or both of these questions, either section 1 or section 2, or both, of this act shall be declared to have been adopted. Within 10 days after said referendum, the city clerk shall certify to the secretary of state the results of said vote.

4 Effective Date. Section 3 of this act shall take effect upon its passage and the remainder of this act shall take effect as provided in section 3.

Rep. Maglaras requested to dispense with the reading of the amendment.

Rep. Richard Hanson explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 1072, relative to the power of a county convention to appropriate money. Ought to Pass. Rep. Richard Hanson for Municipal and County Government.

Bill is necessary to relate powers of a county convention.

Rep. Blanchette moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to her motion.

Reps. Anne Gordon, Whipple, Richard Hanson and Bednar spoke against the motion.

Reps. Hildreth, Wallin, Quimby and Sara Townsend spoke in favor of the motion.

The previous question was moved.

Sufficiently seconded. Adopted.

A roll call was requested.

Sufficiently seconded.

(Speaker presiding)

YEAS 236 NAYS 58

YEAS 236

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth, Mansfield, James Murray, Nighswander and Sanders.

CARROLL: Roderick Allen, Dickinson, Found, Howard, Keller and Kenneth Smith.

CHESHIRE: Close, Dostilio, Daniel Eaton, Irvin Gordon, Ladd, Marshala, Proctor, Russell, Scranton, Slack, Vrakatitsis and Terry Wiggin.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Patenaude, Poulin, Theriault, Alcide Valliere, Neila Woodward and York.

GRAFTON: Ira Allen, Buckman, Chambers, Copenhaver, Cornelius, Crory, Dearborn, Gemmill, Logan, McAvoy, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Aubut, Brack, Bridges, Brody, Carswell, Coburn, Mark Connolly, Corser, Coughlin, Coutermarsh, Crotty, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Dupont, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, George Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Lachance, LaPlante, Lyons, Marcoux, Martineau, McLaughlin, Morgan, Morrison, Nemzoff-Berman, Normand, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Podles, Paul Riley, Seamans, Simard, Edward Smith,



Leonard Smith, St. George, Stahl, Stylianos, Kevin Sullivan, Harold Thomson, Van Loan, Wallin, Emma Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Carroll, John Cate, Chandler, Eugene Daniell, Foley, Hess, James Humphrey, Polly Johnson, Kidder, Mullin, Arthur Perkins, Plourde, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Aller, Benton, Bisbee, Blake, Blanchette, Carpenito, Connors, Cotton, Cummings, Cunningham, Davis, Robert Day, Dunfee, Felch, Flanagan, Carl Gage, Ganley, Goff, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Nelson, Niebling, O'Keefe, Parolise, Pucci, Quimby, Richards, Rogers, Rossley, Sanborn, Scamman, Skinner, Alfreda Smith, Splaine, Stimmell, Vlack, Webster, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Joos, Kelly, Lefavour, Lessard, Maglaras, Maloomian, Meader, Nadeau, Rod O'Connor, Preston, Dennis Ramsey, Sackett, Schreiber, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Desnoyer, Frizzell, Gray, Ingram, LeBrun, Lewko, Scott, Spaulding, Sara Townsend and Tucker.

#### NAYS 58

BELKNAP: Morin.

CARROLL: Claflin, Raymond Conley, Kenneth MacDonald and Towle.

CHESHIRE: Fillback, Anne Gordon, Elmer Johnson, Matson, Moore and Whipple.

COOS: None.

GRAFTON: George Cate, Neil McIver and Pepitone.

HILLSBOROUGH: Arnold, Bednar, Emile Boisvert, Burke, Joseph Cote, Cullity, Dreniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Daniel Healy, Karnis, Fred Murray, Timothy O'Connor, Paradis, Arnold Perkins, Polak, Henry Richardson, Sing, Francis Sullivan, Geraldine Watson and M. Arnold Wight.

MERRIMACK: Bellerose, Laurent Boucher, Milton Cate, Richard Hanson, McNichol and Packard.

ROCKINGHAM: Campbell, Cutliffe, Beverly Gage, Gaskill, King, Joseph McEachern, Norton, Parr, Schwaner, Tavitian and Wolfesen.

STRAFFORD: Donnelly, Hebert, Osgood and Donald Smith.

SULLIVAN: George Wiggins, and the motion passed.

Rep. Cornelius moved that HB 1072 be indefinitely postponed.

Adopted.

Rep. Tucker moved that HB 1190, relative to taxing the property of the North Bay Council, Inc., of the Bow Scouts of America located in the town of Orford, be taken from the table.

Motion lost.

Rep. Marshall French moved that HB 1070, relative to filing a statement of declaration in connection with the real estate transfer tax, be taken from the table.

Motion lost.

#### COMMITTEE REPORTS (cont.)

HB 986, requiring electric utilities' rates to be based on a current level of services. Majority: Ought to Pass with Amendment. Rep. Voll for Science and Technology. Minority (Rep. M. Arnold Wight): Refer to the Committee on Science and Technology for Interim Study.

Majority: If the costs of construction work in progress (CWIP) is added to the rate base, the consumer will pay the costs of interest incurred while an electric plant is under construction before the plant is on-line, serving the consumer.

This guarantee of payment of all costs incurred would create a situation which is void of the usual constraints of the private bonding market. The public relies on the expertise of the bond market to oversee the investment decision of public utilities and assure that those decisions are made on the basis of sound economics. Unless the public can undertake this oversight function, it should not remove the incentives for lenders to consider carefully their investment by guaranteeing both the principal and the interest of the loan.

An emerging lack of confidence in the ability of the Public Utilities Commission to scrutinize adequately or question utility construction costs leads the committee to conclude that the current practice in New Hampshire, that of not allowing CWIP to be passed along to the rate-payers, should be continued but under the protection of statutory law.

There also exists, if CWIP is instituted, a potential situation whereby wholesale or out-of-state users of New Hampshire generated energy might not contribute their share toward construction costs due to a ruling of the Federal Power Commission, (Ruling 555), which has jurisdiction over this category of user.



The committee recognizes that by paying interest as it is incurred rather than borrowing further to pay interest, the consumer would ultimately save.  
If utility companies which are privately owned cannot finance construction of their utility plants without substantial subsidy through rate-payers, perhaps it is time to re-think how we are financing the generation and distribution of electrical energy. Committee amendment changes the language but not the substance.

Vote was 7 to 1 with one abstention. Minority: This legislature is dealing with dramatic changes in population growth, energy needs, fuel shortages, budget deficits, etc. This bill has a significant effect on the economic health of New Hampshire and demands more consideration than one hearing and one executive session.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following;

#### AN ACT

requiring public utilities' rates to be based on a current level of services.

378:7-a Electric Utility Rate Base;

Exclusions. Public utility rates or charges shall not in any manner be based on the cost of construction work in progress. At no time shall any rates or charges be based upon any costs associated with construction work if said construction work is not completed. All costs of construction work in progress, including but not limited to any costs associated with constructing, owning, maintaining or financing construction work in progress, shall not be included in a utility's rate base nor be allowed as an expense for rate making purposes until, and not before, said construction project is actually providing service to consumers.

Amendment adopted.

Rep. M. Arnold Wight moved that further consideration of HB 986 be Indefinitely Postponed.

Rep. Voll spoke against the motion.

Rep. St. George spoke in favor of the motion.

Rep. Lessard requested a quorum count. The Speaker declared a quorum present. Reps. Morgan, Chambers and Taylor spoke against the motion.

Reps. Scamman and Marshall French spoke in favor of the motion.

The previous question was moved. Sufficiently seconded. Adopted.

Rep. Joos requested a roll call. Sufficiently seconded.

Reps. Hebert, Erler and Seamans abstained from voting under Rule 16.

(Speaker pesiding)

YEAS 132 NAYS 157

YEAS 132

BELKNAP: Ambrose, Beard, Marshall French, Mansfield, James Murray and Sanders.

CARROLL: Claflin, Dickinson, Howard, Kenneth MacDonald and Towle.

CHESHIRE: Fillback, Anne Gordon, Irvin Gordon, Elmer Johnson, Marshala, Moore, Vrakatisis and Whipple.

COOS: Cooney, Fortier, Horton, Huggins, Hunt, George Lemire, Theriault and York.

GRAFTON: Ira Allen, Buckman, George Cate, Dearborn, Logan, McAvoy, Pepitone, Rounds, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Arnold, Aubut, Bridges, Carswell, Coburn, Mark Connolly, Joseph Cote, Crotty, Cullity, William Desmarais, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Lachance, LaPlante, Marcoux, Fred Murray, Paradis, Arnold Perkins, Polak, Henry Richardson, Paul Riley, St. George, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Geraldine Watson, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Chandler, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Packard, Plourde, Doris Riley, Shepard and Doris Thompson.

ROCKINGHAM: Akerman, Benton, Bisbee, Blake, Campbell, Cummings, Cunningham, Davis, Felch, Beverly Gage, Gould, Greene, Griffin, Kashulines, King, Lovejoy, Nelson, Niebling, Norton, Parolise, Scamman, Skinner, Stimmell, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Canney, Walter Desmarais, Lefavour, Meader, Nadeau, Osgood and Sackett.

SULLIVAN: Barrus, Desnoyer, Ingram, LeBrun, Lewko, Scott, Spaulding and George Wiggins.

NAYS 157

BELKNAP: Bowler, Gary Dionne, Michael Hanson, Hildreth and Morin.

CARROLL: Roderick Allen, Found, Keller and Kenneth Smith.

CHESHIRE: Dostilio, Daniel Eaton, Matson, Proctor, Margaret Ramsay, Russell, Slack and Terry Wiggin.

COOS: Bradley Haynes, Patenaude, Poulin, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Gemmill, Neil McIver, Stomberg, Taffe, Taylor and Michael Woodard.

HILLSBOROUGH: Bednar, Belanger, Bernier, Emile Boisvert, Brack, Brody, Burke, Corser, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Nancy Gagnon, Girolimon, Cort Hansen, Head, Kaklamanos, Martineau, McLaughlin, Morgan, Morrison, Normand, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Peters, Plomaritis, Podles, Simard, Sing, Edward Smith, Leonard Smith, Soucy, Stahl, Van Loan, Wallace, Wallin, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Milton Cate, Eugene Daniell, Foley, Hess, Donna MacIvor, McNichol, Mullin, Arthur Perkins, Ralph, Rice, Rich, Gerald Smith, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Aller, Blanchette, Carpenito, Connors, Cotton, Cutcliffe, Dunfey, Flanagan, Carl Gage, Canley, Gaskill, Grieco, Hartford, Hoar, Kane, Krasker, Laycock, Joseph MacDonald, Donna McEachern, Joseph McEachern, O'Keefe, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Sanborn, Schwaner, Alfreda Smith, Splaine, Vlack, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Joos, Kelly, Lessard, Maglaras, Maloomian, Rod O'Connor, Preston, Dennis Ramsey, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, Gray, Sara Townsend and Tucker, and the motion lost.

Ordered to third reading.

#### SENATE MESSAGE CONCURRENCE

HCR 7, adopting joint rules for the 1977 general court.

Rep. Bridges moved that the House recess until Wednesday, May 11 at 1:00 p.m. and withdrew his motion.

The Speaker requested the support of the House to recess.

255 voted in favor and 31 against.

#### SENATE MESSAGE

##### REQUESTS CONCURRENCE WITH AMENDMENT

HB 442, relative to the commission and tax on running and harness horse races. (Amendment printed in SJ 32 P. 311)

Rep. Cunningham moved that the House concur.

Reps. Coutermarsh, Benton, the Salem Delegation, Plourde and Chambers spoke in favor of the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Rep. Rogers requested the reading of the amendment.

The Assistant clerk read the amendment.

Rep. Cunningham requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 265 NAYS 21

YEAS 265

BELKNAP: Ambrose, Gary Dionne, Hildreth, Mansfield, Morin, James Murray and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Daniel Eaton, Fillback, Irvin Gordon, Elmer Johnson, Marshala, Matson, Moore, Russell, Scranton, Slack, Vrakatitsis, Whipple and Terry Wiggan.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, George Lemire, Poulin, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

CRAFTON: Ira Allen, Buckman, George Cate, Chambers, Cornelius, Crory, Dearborn, Gemmill, Logan, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Arnold, Aubut, Bednar, Belanger, Bernier, Emile Boisvert, Wilfrid Boisvert, Brack, Brody, Burke, Carswell, Coburn, Mark Connolly, Corser, Coughlin, Coutermarsh, Crotty, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Thomas Hynes, Kaklamanos, Karnis, Keefe, Lachance, LaPlante, Lyons, Martineau, McLaughlin, Morgan, Fred Murray, Timothy O'Connor, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Seamans, Sing, Edward Smith, Leonard Smith, Soucy, Stahl, Stylianos, Francis Sullivan, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, James Humphrey, Polly Johnson, Donna MacIvor, McNichol, Mullin, Packard, Plourde, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Doris Thompson, Trachy, Ernest Valliere and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Davis, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Norton,

Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Stimmell, Vlack, Webster, Helen Wilson, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Kelly, Lefavour, Lessard, Maglaras, Maloomian, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott, Sara Townsend and George Wiggins.

#### NAYS 21

BELKNAP: Beard, Bowler and Marshall French.

CARROLL: None.

CHESHIRE: Anne Gordon.

COOS: None.

GRAFTON: Copenhaver and Madeline Townsend.

HILLSBOROUGH: Bridges, Joseph Eaton, Morrison and St. George.

MERRIMACK: Carroll, Eugene Daniell, Hess and Arthur Perkins.

ROCKINGHAM: Aller, Niebling, O'Keefe and Splaine.

STRAFFORD: Sackett.

SULLIVAN: Spaulding and Tucker, and the motion was adopted.

Rep. Beard informed the clerk he inadvertently voted nay and meant to vote yea.

#### SUSPENSION OF RULES

Reps. Marshall French and Coutermarsh moved that the rules be so far suspended as to permit all bills ordered to third reading to be read a third time and passed at the present time.

Adopted by the necessary two-thirds.  
Ordered to third reading.

(Third reading and final passage)

HB 49, relative to the procedures for the filing of vacancies in certain elected offices.

HB 127, requiring proof of residency in order to register and to vote.

HB 139, providing for the filing and public availability of checklists after every biennial election.

HB 266, relative to meetings of supervisors of the checklists in cities and towns.

SB 1, relative to the duties of city and town clerks for voter registration.

HB 1091, relative to overseas citizens

HB 22, establishing a recount procedure for votes at special meetings of towns with official Australian or nonpartisan ballots.

HB 652, relative to the sealing and certifying of ballots.

HB 757, relative to the designation of office on ballots.

HB 899, relative to reporting vote totals by party for nominees of more than one party.

HB 140, eliminating the requirement that at least one city or town intervene between an absentee voter and the place in which he is legally entitled to vote.

Hb 805, providing an opportunity for absentee balloting at any election which uses an official ballot.

HB 769, establishing primary elections for the cities of Laconia and Somersworth.

HB 827, relative to recounts and disqualification of candidates in primary elections.

HB 838, requiring the secretary of state to notify all persons of write-in nominations for the house of representatives.

HB 1172, relative to the filing dates for candidates in the primary for any elective office.

HB 478, relative to the governor issuing a certificate of election.

HB 724, prohibiting the posting of election advertising on highway rights-of-way.

HB 725, removing the requirement for filing financial statements with town or city clerks.

HB 1189, concerning the reporting of political expenditures, advertising and contributions by certain committees and certain candidates.

HB 971, removing minor officials from the biennial ballot.

HB 670, relative to counting ballots at elections.

HB 723, eliminating the requirement for the residence of a candidate on the ballot.

HB 755, relative to the marking of ballots in elections held in the state.

HB 772, prohibiting candidates for any elective position other than a position as an election official, from working within a polling place.

HB 343, relevant to absentee voting.

HB 1185, concerning purity of elections.

HB 1184, relative to a temporary absence from residence and its effect on voting rights.

HB 1186, relative to legal voters.

HB 390, relative to the selection of delegates to national presidential nominating conventions.

HB 29, amending the election laws relative to the qualifications of a candidate filing for certain political offices.

HB 67, requiring that candidates for a given office be listed on the ballot in random order rather than alphabetical order.

HB 167, relative to legal voters changing party affiliation and the posting of checklists.

HB 839, increasing the filing fees for certain elective offices and increasing the signature requirements for filing primary petitions.

HB 1090, relative to filing for an office when at the time of such filing a person is not of the age to qualify for that office.

HB 1187, increasing the jurisdiction of the ballot-law commission.

HB 1188, concerning membership of the ballot-law commission.

HC 7, adopting joint rules for the 1977 general court.

HB 825, providing for a referendum to determine the form of city government for Dover.

HB 986, requiring public utilities' rates to be based on a current level of services.

#### RECONSIDERATIONS

Rep. Chambers moved that the House reconsider its action whereby it passed HB 986, requiring public utilities' rates to be based on a current level of services and spoke against her motion.

Reconsideration lost.

Rep. Carswell moved that the House reconsider its action whereby it passed HB 390, relative to the selection of delegates to national presidential nominating conventions, and spoke against her motion.

Reconsideration lost.

Rep. Benton moved that the House reconsider its action whereby it concurred with the Senate amendment to HB 442, relative to the commission and tax on running and harness horse races, and spoke against his motion.

Reconsideration lost.

317 members were recorded as present.

#### RECESS

(Rep. Marshall French in the Chair)

#### ENROLLED BILLS REPORT

HB 442, relative to the commission and tax on running and harness horse races and relative to the sire stakes program.

Rep. James J. White  
For the Committee

#### RECESS

(Rep. Marshall French in the Chair)

Prayer was offered by House Chaplain Rev. Milton L. Smith, Sr.

"The bricklayer laid a brick on the bed of cement.

Then, with a precise stroke of his trowel, spread another layer.

And, without a by-your-leave, laid on another brick,

The foundations grew visibly,  
The building rose, tall and strong, a shelter to men.

I thought, Lord, of that poor brick buried in the darkness at the base of the big building.

No one sees it, but it accomplishes its task, and the other bricks need it. Lord, what difference whether I am on the rooftop or in the foundations of Your building, as long as I stand faithfully at the right place?" (PRAYERS by Michel Quoist - p 23 The Brick)

Dear Lord, help each one of us to be in the right place at the right time, doing all the right we possibly can for You and our state. Amen!

Rep. Sara Townsend led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Belhumeur, Forsaith Daniels, Burrows, William Boucher, Callahan, O'Keefe, Baker, the day, illness.

Reps. Ward, Roland Boucher, Krasker, Faucher, Mansfield, Wiviott, Chapman, Watson, the day, important business.

#### INTRODUCTION OF GUESTS

Therese Grimes and Coleen Baxter, Class Project Students at Dover High School, guests of Rep. Roderick O'Connor; Mr. and Mrs. Anthony Barilone, guests of Rep. Plomaritis.

#### SENATE MESSAGES

##### CONCURRENCE

HB 441, relative to changing the season on otter, mink and muskrat.

HB 671, relative to contracts between the state and the 4-H Foundation of New Hampshire, Incorporated concerning facilities by Bear Brook State Park.

##### NONCONCURRENCE

HB 446, relative to appeals from decision of the racing commission and the greyhound racing commission.

#### COMMITTEE REPORTS

HB 991, preventing excessive charges for emergency utility service.

Inexpedient to Legislate. Rep. Morgan for Commerce and Consumer Affairs.

Rep. Close requested a quorum count.

The Speaker declared a quorum present. Resolution adopted.

HB 1152, revising guardianship procedures. Refer to the Committee on Judiciary for Interim Study. Rep. Doris Riley for Judiciary.

The majority of the Committee recommended this bill for interim study for several reasons including the following:



1. The complexity of this bill of 44 pages with several suggested amendments by reference to sections of RSA arising before the Committee without time to properly study the bill on its merits dictates that the most intelligent procedure to adopt was a recommendation for interim study.
2. No testimony was offered to have Committee deem that the problem of this bill was of an emergency nature.
3. Testimony by the Attorney General's Office, the passage of this bill in its present form would add a financial burden to that office.

Rep. Aller moved that HB 1152 be laid upon the table.

Adopted.

HB 503, relative to establishing a driver alcohol retraining program and making an appropriation therefor.  
Majority: Ought to Pass. Rep. Ayles for Judiciary and Transportation. Minority (Reps. Coutermarsh, Shepard, Daniel Healy, Bodi, Tavitian, York, Clark, Sing, Record, Wallace, Akerman, Dupont, Aubut, Erler, Karnis and Frizzell): Inexpedient to Legislate.

Majority: This bill as reported Ought to Pass by a joint Judiciary and Transportation Committee recognizes several major changes in the present Driver Retraining Program.

1. It changes the penalty of Driving While Intoxicated from a Misdemeanor to a Violation and imposes a fine of up to \$500.00 and loss of license or right to drive from 60 days to 2 years. At the discretion of the court and dependent upon a driver being referred by the court to the Driver Retraining Program.

2. The bill would transfer the Driver Retraining Program from the Department of Health, Division of Alcohol and Drug Abuse to the New Hampshire Department of Safety under the direction of the Director of the Division of Motor Vehicles. Since January 1972 this program has operated under the Department of Health, Division of Alcohol and Drug Abuse where it was funded by a Federal Research Grant. As of June 30, 1977 this grant expires. Without this bill to continue this program under the Department of Safety the program would end and all future impaired drivers with alcohol problems would be back on the road without the chance of help and rehabilitation.

3. The purpose of the Retraining Program is to provide an instructional and rehabilitative program for persons convicted of driving under the influence of intoxicating liquor. At present there are fourteen schools operating in all ten counties of the state. They have processed over 5000 students since the first school in 1972, in 1976 over 2000 persons were referred to the program from the

courts. Under this bill the program will be funded by a \$60.00 fee from each student attending the school. None of this money can be used for any other purpose.

4. At a lengthy night public hearing held by the joint committee very strong public support of the bill was indicated by over 30 persons who testified and an additional 19 letters of support from persons unable to attend. The Commissioner of Safety and Deputy Commissioner support the transfer of the program to the Department of Safety. Also, in support were the Director of Highway Safety Program and AAA. A number of former students of retraining schools were in strong support of the program and the schools in general.

5. To continue the Driver Retraining Program will keep New Hampshire in line with Maine, Vermont, Massachusetts and Connecticut who have similar programs.

Minority: 1. ASAP was formerly a federally funded program but is now unfunded. Is the state to pick up the ticket?

2. The Committees in all their efforts were unable to get any figures from the Legislative Budget Assistant or other agencies as to what has been spent on the ASAP program. This bill appropriates one half million dollars for the first biennium!

3. Further, this bill sets up a quota system for the enforcement agencies to finance this "drunk" school.

4. This bill if passed would eliminate due process and appeal rights by making a defendant at the mercy of a judge's arbitrary decisions.

5. From investigation we have seen that the ASAP school treats all offenders like alcoholics which is definitely not the case.

Rep. Ayles offered an amendment.

#### Amendment

Amend RSA 262-A:62, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. Any person who is convicted of operating or attempting to operate a motor vehicle upon any way while under the influence of intoxicating liquor or any controlled drug, shall be guilty of a misdemeanor.

The Assistant Clerk read the amendment.

Rep. Ayles spoke to the amendment.

Rep. Erler spoke against the amendment.

Reps. Bodi and Bosse spoke in favor of the amendment.

Rep. Tavitian spoke to the bill.

Rep. Aller moved the previous question on the amendment only. Sufficiently seconded. Adopted.

Ayles amendment lost.

Rep. Tavitian moved that HB 503 be indefinitely postponed and spoke to his motion.

Reps. Ayles, Griffin, Sanborn, Aller and Arthur Perkins spoke against the motion.

Reps. Bodi and James Murray spoke in favor of the motion.

Rep. Erler moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Rep. Marshall French presiding)

YEAS 165 NAYS 148

YEAS 165

BELKNAP: Goyette, James Murray and Sabbow.

CARROLL: Dickinson, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Fillback, Galloway, Anne Gordon, Marshala, Matson, Moore, Terry and Terry Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Theriault, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Logan, Mann, MacAvoy, Pepitone, Rounds and Taylor.

HILLSBOROUGH: Alter, Aubut, Barrett, Bednar, Belanger, Emile Boisvert, Bridges, Burke, Carswell, Coburn, Joseph Cote, Coutermarsh, Crotty, Cullity, William Desmarais, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Sal Grasso, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Lachance, LaPlante, Levesque, Lyons, Madigan, Marcoux, McLaughlin, Miller, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Podles, Polak, Quigley, Record, Henry Richardson, Seamans, Simard, Sing, Soucy, Spirou, St. George, Stylianos, Harold Thomson, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Bodi, Milton Cate, Chandler, Eugene Daniell, Gamache, James Humphrey, Polly Johnson, Mullin, Plourde, Pratt, Shepard, Gerald Smith, Doris Thompson and Trachy.

ROCKINGHAM: Akerman, Barka, Bisbee, Blake, Collins, Connors, Cummings, Cutcliffe, Danforth, Davis, Robert Day, Erler, Felch, Beverly Gage, Kashulines, King, Laycock, Lovejoy, Joseph McEachern, Nelson, Norton, Parolise, Parr, Anthony Randall, Richards, Schwaner, Skinner, Alfreda Smith, Stimmell, Stratton, Tavitian, Webster and Wolfesen.

STRAFFORD: Canney, Walter Desmarais, Donnelly, Lefavour, Maloomien, Nadeau, Osgood, Ruel and Voll.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott and George Wiggins.

NAYS 148

BELKNAP: Beard, Bowler, Gary Dionne, Hildreth, Morin, Nighswander and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Found and Kenneth MacDonald.

CHESHIRE: Chase, Close, Daniel Eaton, Irvin Gordon, Krause, Ladd, Lynch, Parker, Proctor, Russell and Vrakatitsis.

COOS: Huggins, Poulin, Alcide Valliere, Willey and Neila Woodward.

GRAFTON: Aldrich, Chambers, Copenhaver, Cornelius, Crory, Myrl Eaton, Gemmill, Neil McIver, Stomberg, Taffe, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Bosse, Brack, Brody, Mark Connolly, Corser, Margaret Cote, Coughlin, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Kaklamanos, Keefe, Martin, McGlynn, Morgan, Morrison, Fred Murray, Kerry O'Connor, O'Neil, Orcutt, Pappas, Peters, Plomaritis, Edward Smith, Leonard Smith, Stahl, Francis Sullivan, Van Loan and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Blakeney, Carroll, John Cate, Foley, Richard Hanson, Hess, LaBonte, Donna MacIvor, McNichol, Packard, Pelton, Arthur Perkins, Ralph, Rice, Rich, Doris Riley, Tarr, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Aller, Blanchette, Campbell, Carpenito, Cotton, Cunningham, Dunfee, Flanagan, Carl Gage, Ganley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Joseph MacDonald, Donna McEachern, Niebling, Pucci, Quimby, Rogers, Sanborn, Vlack and Wojnowski.

STRAFFORD: Appleby, Burchell, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Kelly, Lessard, Maglaras, Meader, Rod O'Connor, Preston, Dennis Ramsey, Donald Smith, Torrey, Tripp, Valley and Shirley White.

SULLIVAN: Lucas, Spaulding and Sara Townsend, and HB 503 was indefinitely postponed.

Rep. Currier wished to be recorded in favor of the committee report.

Rep. Seamans wished to be recorded against the committee report.

Reps. James J. White and Knight wished to be recorded against Indefinite Postponement.

HB 1162, relative to county convention meetings. Ought to Pass. Rep. Packard for Municipal and County Government.

Bill makes county warrant conform same as town warrants.

Rep. Roderick O'Connor moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Reps. Wallin, Griffin and George Wiggins spoke in favor of the motion.

Reps. Bednar and Richard Hanson spoke against the motion.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted. Motion adopted. Resolution adopted.

HB 967, relative to the procedure for setting tolls on the New Hampshire turnpike system. Refer to the Committee on Public Works for Interim Study. Rep. Fortier for Public Works.

It was unanimously passed by the Committee (12-0) that further study of the bill and the amendment be given additional consideration.

Reps. Spirou and Roderick Allen spoke to the committee report. Adopted.

HB 1099, to encourage using renewable sources of energy for generation of electricity. Refer to the Committees on Resources, Recreation and Development and Science and Technology for Interim Study. Rep. Dickinson for Resources, Recreation and Development.

This bill should be studied during the interim along with the subject matter included in HB 891 by a joint subcommittee made up of members of the Resources, Recreation and Development and the Science and Technology Committees. The study should build on the information to be presented in a report from the Governor's Hydro-Electric Commission to be published in late May.

Rep. Claflin moved that the words, Refer to Resources, Recreation and Development for Interim Study, be substituted for the committee report, Refer to joint committees on Resources, Recreation and Development and Science and Technology.

Motion adopted.

HB 229, amending certain provisions of the statutes relative to OHRVs. Ought to Pass with Amendment. Rep. James Murray for Transportation.

Last year a special committee was formed to investigate the statutes relative to OHRVs. HB 229 is the resultant suggestions of that committee. HB 229 defines the term resident, specifies the cost of replacement registrations, post accident procedure for an OHRV operator and generally clarifies existing laws. The committee feels that this is a long wanted and necessary ordering and defining of the presently vague OHRV laws.

#### Amendment

Amend RSA 269-C:1, XII-a as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

XII-a "Resident" means a citizen of the United States who has lived and made his home continuously within the state not less than 6 months next and has paid his current residence tax prior to his application for registration of an OHRV and who has not during that period claimed a residence in any other state for any purpose.

Amend RSA 269-C:3, VI as inserted by section 4 of the bill by striking out said paragraph and inserting in place thereof the following:

VI. The supervisor of the bureau shall receive all written requests from persons applying for permission to establish a highway crossing on any class I, class II or class III highways for any OHRV trail. The requests shall be submitted to the commissioner of the department of public works and highways or his representative for the department's approval or disapproval. If approval is granted, the commissioner of the department of public works and highways may post the area with appropriate signs designating the location of the trail crossing and providing signs for both sides of the highway at an appropriate distance from the crossing to warn the motoring public of said crossing.

Amend section 10 of the bill by striking out same and renumbering sections 11, 12 and 13 to read as follows:

10, 11, and 12 respectively.

Amend RSA 269-C:23, IV as inserted by renumbered section 10 by striking out said paragraph and inserting in place thereof the following:

IV. Any person who is knowingly involved in any accident involving personal injury with an OHRV shall report said accident to the nearest police officer or police station. A report forthwith of said accident shall be filed by said police officer or police station with the department of safety and the fish and game department in such form as the commissioner may prescribe.

Amendment adopted.

Ordered to third reading.

(Rep. Lyons in the chair)

HB 346, crediting the bureau of off highway recreational vehicles with a percentage of state gasoline road tolls. Inexpedient to Legislate. Rep. James Murray for Transportation.

The committee after considering the disrupting redistribution of funds and the dubious constitutionality of HB 346, feels it would not be a beneficial law for this state. OHRV operators are allowed a rebate every year upon application and the ones who truly desire it may receive it. The committee sees little good in placing these OHRV rebate funds in the hands



of the bureau of off-highway recreational vehicles. This bill would be a backdoor opening of the highway trust fund which is constitutionally closed.

Rep. Marshall French moved that the words, Ought to Pass with Amendment, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. James J. White, Marshala, Leonard Smith and James Murray spoke against the motion.

Reps. Dickinson, Stimmell, Clark and Oleson spoke in favor of the motion.

The previous question was moved. Sufficiently seconded. Adopted.

(Speaker in the chair)

The Speaker requested a quorum count. The Speaker declared a quorum present.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 132 NAYS 191  
YEAS 132

BELKNAP: Marshall French, Goyette, Hildreth, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Dostilio, Irvin Gordon, Krause, Ladd, Matson, Proctor, Russell and Terry.

COOS: Burns, Cooney, Bradley Haynes, Horton, Oleson, Poulin, Willey, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Dearborn, Myrl Eaton, Gemmill, LaMott, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Stomberg, Taffe, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Barrett, Emile Boisvert, Brack, Bridges, Brody, Colson, Coughlin, Coutermarsh, Arline Dion, Girolimon, Granger, Head, Heald, Lyons, Madigan, Martin, Morgan, Orcutt, Pappas, Henry Richardson, Spirou, St. George, Sweeney, Van Loan and Robert Wheeler.

MERRIMACK: Ayles, John Cate, Eugene Daniell, Foley, Richard Hanson, Donna MacIvor, McNichol, Packard, Rice, Doris Riley, Shepard, Stockman, Trachy and Waters.

ROCKINGHAM: Aller, Barka, Carpenito, Collins, Cutliffe, Danforth, Dunfey, Felch, Flanagan, Carl Gage, Ganley, Gaskill, Kashulines, King, Laycock, Joseph MacDonald, Norton, Quimby, Anthony Randall, Richards, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Wojnowski and Wolfesen.

STRAFFORD: Canney, Bruce French, Dianne Herchek, Kelly, Maglaras, Meader, Rod O'Connor, Preston, Dennis Ramsey and Donald Smith.

SULLIVAN: Brodeur, Ingram, Lucas, Scott, Spaulding and Sara Townsend.

NAYS 191

BELKNAP: Beard, Bowler, Gary Dionne, Marsh, Morin and James Murray.

CARROLL: Claflin, Howard, Keller and Towle.

CHESHIRE: Chase, Daniel Eaton, Fillback, Galloway, Anne Gordon, Hogan, Elmer Johnson, Lynch, Marshala, Moore, Parker, Slack, Vrakatitsis, Whipple and Terry Wiggin.

COOS: Fortier, Huggins, Hunt, Theriault, Alcide Valliere and York.

GRAFTON: Copenhaver, Cornelius, Crory, Duhaime, Logan and Taylor.

HILLSBOROUGH: Ahern, Alter, Aubut, Bednar, Bosse, Burke, Carswell, Coburn, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Crotty, Cullity, Catherine-Ann Day, William Desmarais, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Sal Grasso, Carl Hansen, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Lachance, LaPlante, Levesque, Marcoux, McGlynn, McLaughlin, Miller, Morrison, Fred Murray, Nemzoff-Berman, Timothy O'Connor, O'Neil, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Soucy, Stahl, Stylianos, Francis Sullivan, Harold Thomson, Wallin, Geraldine Watson, Emma Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, Milton Cate, Chandler, Gamache, Hess, James Humphrey, LaBonte, McLane, Mullin, Pelton, Pratt, Ralph, Rich, Gerald Smith, Tarr, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, Blake, Blanchette, Campbell, Connors, Cotton, Cunningham, Davis, Robert Day, Erler, Beverly Gage, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Lovejoy, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Parolise, Parr, Pucci, Rogers, Schwaner, Tavitian, Vlack, Webster and Helen Wilson.

STRAFFORD: Appleby, Burchell, Walter Desmarais, Donnelly, Charles Grassie, Hebert, James Herchek, Joos, Lefavour, Lessard, Maloomian, Nadeau, Osgood, Ruel, Sackett, Schreiber, Torrey, Tripp, Valley, Voll and Shirley White.



SULLIVAN: Barrus, D'Amante, Desnoyer, Gray, LeBrun, Lewko and George Wiggins, and the motion lost.

Resolution adopted.

Rep. Burns wished to be recorded in favor of HB 346.

HB 726, relative to local approval for the development of any public airport. Inexpedient to Legislate. Rep. James Murray for Transportation.

The committee feels that the establishment of a local approval system for the construction of airports would be impeding the progress of the state. One community's "no" should not be allowed to negate a whole state's "yes" when it comes to the construction of an airport.

Rep. Ganley moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Cunningham, Clark, Raymond Conley, Schwaner, Coutermarsh and Carl Gage spoke in favor of the motion.

Reps. James Murray spoke against the motion.

Rep. Bridges moved the previous question. Sufficiently seconded. Adopted.

Rep. Murray requested a division.

Rep. Coutermarsh requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 264 NAYS 62

YEAS 264

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Coyette, Hildreth, Nighswander, Kenneth Randall and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Keller and Kenneth MacDonald.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Fillback, Anne Gordon, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Russell, Slack, Terry, Whipple and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Oleson, Poulin, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Logan, Mann, Neil McIver, Pepitone, Rounds, Stonberg, Taffe, Taylor, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Barrett, Albert Bellemore, Emile Boisvert, Bosse, Brack, Bridges, Brody, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Coughlin, Coutermarsh, Crotty, Cullity,

Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Karnis, Lachance, LaPlante, Madigan, Martin, McDonough, McGlynn, McLaughlin, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Timothy O'Connor, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, St. George, Stahl, Stylianos, Francis Sullivan, Sweeney, Harold Thomson, Van Loan, Wallace, Wallin, Robert Wheeler, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pelton, Pratt, Ralph, Rice, Rich, Doris Riley, Gerald Smith, Tarr, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Akerman, Aller, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gould, Hoar, Kane, Kashulines, King, Laycock, Joseph MacDonald, Donna McEachern, Niebling, Norton, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Wojnowski and Wolfson.

STRAFFORD: Burchell, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Kelly, Lefavour, Maglaras, Maloomian, Meader, Morrisette, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Gray, Ingram, Lewko, Lucas, Scott, Spaulding and Sara Townsend.

NAYS 62

BELKNAP: Marsh, Morin, James Murray and Sabow.

CARROLL: Howard, Kenneth Smith and Towle.

CHESHIRE: Galloway, Hogan, Elmer Johnson and Vrakatisis.

COOS: Hunt, Theriault, Alcide Valliere and York.

GRAFTON: McAvoy.

HILLSBOROUGH: Aubut, Bednar, Belanger, Joseph Cote, Margaret Cote, Dupont, Joseph Eaton, Keefe, Knight, Levesque, Lyons,

Marcoux, Miller, Paradis, Paul Riley, Sing, Geraldine Watson, Emma Wheeler and James White.

MERRIMACK: Bibbo, Laurent Boucher, Chandler, Shepard, Stockman and Doris Thompson.

ROCKINGHAM: Benton, Erler, Greene, Grieco, Griffin, Hartford, Lovejoy, Joseph McEachern, Nelson, Stratton, Tavitian, Vlack, Webster and Helen Wilson.

STRAFFORD: Appleby, Canney and Nadeau.

SULLIVAN: D'Amante, Desnoyer, LeBrun and George Wiggins and the motion was adopted. Ordered to third reading.

Rep. Chapman wished to be recorded in favor of HB 726.

HB 1035, modifying the criminal classification of operating a motor vehicle under the influence of alcohol or controlled drugs. Ought to Pass with Amendment. Rep. James Murray for Transportation.

The main issue of this bill is the fact that it makes a first conviction of driving while intoxicated a violation instead of the present misdemeanor. The majority of the committee felt that this bill will reduce the court dockets, built up by DWI appeals because of the lesser penalties constituting a violation conviction. The court docket will also be reduced by the fact that a judge not a jury will try all violation appeals. The constitutional right of a trial by jury will be eliminated.

#### Amendment

Amend RSA 262-A:62, I as inserted by section 1 of the bill and inserting in place thereof the following:

I. Any person who shall be convicted of operating or attempting to operate a motor vehicle upon any way while under the influence of intoxicating liquor or any controlled drug shall, notwithstanding the provisions of Title LXII, be guilty of a violation and fined not less than \$250 nor more than \$500, and his license shall be revoked for a period not less than 60 days, and, at the discretion of the court, for a period not to exceed 2 years. Upon conviction based on a complaint which alleges that the person has had a prior conviction in this state or another state and said prior conviction for operating a motor vehicle while intoxicated or under the influence of drugs is proven and was within the 7 years preceding the date of the second offense, such offense shall be a misdemeanor and the license of said person shall be revoked and he shall be ineligible for a license for the next 3 calendar years.

Amendment adopted.

Rep. Sing moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Tavitian, Chandler, and James Murray spoke in favor of the motion.

Reps. Carl Gage, Griffin, Henry Richardson, Waters, and Dearborn spoke against the motion.

Rep. Henry Richardson requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 160 NAYS 169

YEAS 160

BELKNAP: Goyette, Marsh, Morin, James Murray, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Found, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Dostilio, Fillback, Galloway, Anne Gordon, Hogan, Elmer Johnson, Marshala, Matson, Parker, Russell, Slack, Terry, Whipple and Terry Wiggins.

COOS: Cooney, Fortier, Horton, George Lemire, Oleson and York.

GRAFTON: George Cate, Chambers, Duhaime, Myrl Eaton, Logan, Mann, McAvoy, Pepitone, Rounds, Taffe and Taylor.

HILLSBOROUGH: Barrett, Bednar, Belanger, Albert Bellemore, Emile Boisvert, Bridges, Burke, Coburn, Mark Connolly, Joseph Cote, Coutermarsh, Cullity, William Desmarais, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Cort Hansen, Heald, Daniel Healy, George Healy, Thomas Hynes, Lachance, Levesque, Lyons, Marcoux, McDonough, McLaughlin, Miller, Fred Murray, Nemzoff-Berman, Timothy O'Connor, Plomaritis, Podles, Polak, Quigley, Record, Seamans, Simard, Sing, Leonard Smith, St. George, Stylianos, Sweeney, Harold Thomson, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James White and Ziakas.

MERRIMACK: Bellerose, Bibbo, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Polly Johnson, McLane, Plourde, Pratt, Ralph, Doris Riley, Gerald Smith, Tarr and Doris Thompson.

ROCKINGHAM: Aeschliman, Barka, Benton, Bisbee, Campbell, Connors, Cutcliffe, Danforth, Davis, Dunfey, Beverly Gage, Kashulines, Nelson, Norton, Parolise, Parr, Anthony Randall, Schwane, Alfreda Smith, Splaine, Stratton, Tavitian, Webster, Helen Wilson and Wolfson.

STRAFFORD: Canney, Walter Desmarais, Donnelly, Lessard, Maloomian, Nadeau, Rod O'Connor, Ruel, Schreiber, Tripp and Shirley White.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, LeBrun, Lewko, Scott and George Wiggins.

NAYS 169

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Nighswander and Kenneth Randall.

CARROLL: Roderick Allen, Dickinson and Kenneth Smith.

CHESHIRE: Chase, Close, Daniel Eaton, Irvin Gordon, Krause, Ladd, Lynch, Moore, Proctor and Vrakatitsis.

COOS: Burns, Bradley Haynes, Huggins, Hunt, Poulin, Theriault, Alcide Valliere., Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Copenhaver, Cornelius, Crory, Dearborn, Gemmill, Neil McIver, Stomberg, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Aubut, Bernier, Bosse, Brack, Brody, Carswell, Colson, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, Clyde Eaton, Granger, Head, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, LaPlante, Madigan, Martin, McGlynn, Morgan, Morrison, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Henry Richardson, Paul Riley, Edward Smith, Soucy, Stahl, Francis Sullivan, Van Loan, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Blakeney, Laurent Boucher, Carroll, John Cate, Richard Hanson, Hess, James Humphrey, LaBonte, Donna MacIvor, McNichol, Mullin, Pelton, Rice, Rich, Shepard, Stockman, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Aller, Blake, Blanchette, Carpenito, Collins, Cotton, Cummings, Cunningham, Robert Day, Erler, Felch, Flanagan, Carl Gage, Ganley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, King, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Niebling, Pucci, Quimby, Richards, Rogers, Sanborn, Skinner, Stimmell, Vlack and Wojnowski.

STRAFFORD: Appleby, Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Kelly, Lefavour, Maglaras, Meader, Morrisette, Osgood, Preston, Dennis Ramsey, Donald Smith, Valley and Voll.

SULLIVAN: Ingram, Lucas, Spaulding and Sara Townsend, and the motion lost.

Question being on the adoption of the committee report.

On a voice vote the Speaker was in doubt and requested a roll call.

(Speaker presiding)

YEAS 175 NAYS 154

YEAS 175

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Goyette, Nighswander and Kenneth Randall.

CARROLL: Roderick Allen, Dickinson and Kenneth Smith.

CHESHIRE: Chase, Close, Daniel Eaton, Irvin Gordon, Hogan, Krause, Ladd, Proctor and Vrakatitsis.

COOS: Burns, Cooney, Bradley Haynes, Huggins, Hunt, Theriault, Alcide Valliere, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Copenhaver, Cornelius, Crory, Dearborn, Myrl Eaton, Gemmill, Neil McIver, Pepitone, Stomberg, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Alter, Aubut, Barrett, Albert Bellemore, Bernier, Bosse, Brack, Brody, Carswell, Colson, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, Clyde Eaton, Granger, Head, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, LaPlante, Lyons, Madigan, Martin, McGlynn, Morgan, Fred Murray, O'Neil, Orcutt, Pappas, Paradis, Pelletier, Arnold Perkins, Peters, Henry Richardson, Paul Riley, Edward Smith, Soucy, Stahl, Francis Sullivan, Van Loan, James White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Blakeney, Laurent Boucher, Carroll, John Cate, Richard Hanson, Hess, James Humphrey, LaBonte, Donna MacIvor, McNichol, Mullin, Pelton, Rice, Rich, Shepard, Stockman, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Aller, Blake, Blanchette, Carpenito, Collins, Cotton, Cummings, Cunningham, Robert Day, Erler, Felch, Flanagan, Carl Gage, Ganley, Gaskill, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, King, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Niebling, Pucci, Quimby, Richards, Rogers, Sanborn, Skinner, Vlack, Webster and Wojnowski.

STRAFFORD: Appleby, Burchell, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Kelly, Lefavour, Maglaras, Meader, Morrisette, Osgood, Preston, Dennis Ramsey, Donald Smith, Valley and Voll.

SULLIVAN: Ingram, Lucas, Spaulding and Sara Townsend.

NAYS 154

BELKNAP: Marsh, Morin, James Murray, Sallow and Sanders.

CARROLL: Claflin, Raymond Conley, Found, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Dostilio, Fillback, Galloway, Anne Gordon, Elmer Johnson, Lynch, Marshala, Matson, Moore, Parker, Russell, Slack, Terry, Whipple and Terry Wiggins.



COOS: Fortier, Horton, George Lemire, Oleson, Poulin and York.

(Speaker presiding)  
YEAS 242 NAYS 78  
YEAS 242

GRAFTON: George Cate, Chambers, Duhaime, Logan, Mann, McAvoy, Rounds, Taffe, and Taylor.

BLEKNAP: Beard, Bowler, Gary Dionne, Marshall French, Morin, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found and Keller.

HILLSBOROUGH: Bednar, Belanger, Emile Boisvert, Bridges, Burke, Coburn, Mark Connolly, Joseph Cote, Coutermarsh, Cullity, William Desmarais, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Cort Hansen, Heald, Daniel Healy, George Healy, Thomas Hynes, Lachance, Levesque, Marcoux, McDonough, McLaughlin, Miller, Morrison, Nemzoff-Berman, Timothy O'Connor, Plomaritis, Podles, Polak, Quigley, Record, Seamans, Simard, Sing, Leonard Smith, St. George, Stylianos, Sweeney, Harold Thomson, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler and Ziakas.

CHESHIRE: Dostilio, Daniel Eaton, Irvin Gordon, Krause, Ladd, Lynch, Matson, Moore, Parker, Proctor, Slack, Terry, Vrakatitsis, Whipple and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, George Lemire, Oleson, Poulin and Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

MERRIMACK: Bellerose, Bibbo, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Polly Johnson, McLane, Plourde, Pratt, Ralph, Doris Riley, Gerald Smith, Tarr and Doris Thompson.

HILLSBOROUGH: Alter, Barrett, Bednar, Albert Bellemore, Bernier, Emile Boisvert, Bosse, Brack, Brody, Burke, Carswell, Colson, Corser, Coughlin, Coutermarsh, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Knight, Lachance, Lamy, LaPlante, Lyons, Madigan, Marcoux, Martin, McGlynn, Miller, Morgan, Fred Murray, O'Neil, Orcutt, Pappas, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, St. George, Stahl, Francis Sullivan, Sweeney, Harold Thomson, Van Loan, Geraldine Watson, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

ROCKINGHAM: Aeschliman, Barka, Benton, Bisbee, Campbell, Connors, Cutcliffe, Danforth, Davis, Dunfey, Beverly Gage, Kashulines, Nelson, Norton, Parolise, Parr, Anthony Randall, Schwaner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Helen Wilson and Wolfesen.

STRAFFORD: Canney, Walter Desmarais, Donnelly, Lessard, Maloomian, Nadeau, Rod O'Connor, Ruel, Schreiber, Tripp and Shirley White.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, LeBrun, Lewko, Scott and George Wiggins and the report was adopted.

Ordered to third reading.

Rep. Knight wished to be recorded in favor of HB 1035.

HB 1096, establishing and funding a highway transportation fund to aid the elderly and handicapped. Inexpedient to Legislate. Rep. James Murray for Transportation.

The committee feels that considering the fiscal crunch this state is faced with, HB 1096 is an inappropriate piece of legislation. The problems addressed by this bill are not important enough to justify such an expenditure of funds.

Rep. Henry Richardson moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Cunningham, Vrakatitsis and Raymond Conley spoke in favor of the motion.

Rep. James Murray explained the committee report.

Rep. Conley requested a roll Call. Sufficiently seconded.

MERRIMACK: Ayles, Bellerose, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, LaBonte, Donna MacIvor, McLane, Pelton, Plourde, Pratt, Ralph, Rice, Shepard, Gerald Smith, Tarr, Doris Thompson, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Aller, Barka, Bisbee, Blake, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Danforth, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Greene, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Donna McEachern, Niebling, Parolise, Pucci, Quimby, Richards, Rogers, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack, Wojnowski and Wolfesen.

STRAFFORD: Appleby, Burchell, Walter Desmarais, Donnelly, Hebert, Dianne



Herchek, Joos, Kelly, Lefavour, Maglaras, Meader, Morrisette, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Gray, Ingram, LeBrun, Lewko, Lucas, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 78

BELKNAP: Marsh and James Murray.

CARROLL: Claflin, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Fillback, Galloway, Anne Gordon, Hogan, Elmer Johnson and Marshala.

COOS: Huggins, Hunt and York.

CRAFTON: Clark, Pepitone and Glyneta Thomson.

HILLSBOROUGH: Ahern, Aubut, Bridges, Coburn, Mark Connolly, Joseph Cote, Margaret Cote, Cullity, William Desmarais, Dupont, Clyde Eaton, Joseph Eaton, George Healy, Karnis, Levesque, McLaughlin, Morrison, Timothy O'Connor, Paradis, Quigley, Record, Paul Riley, Sing, Stylianos, Wallace, Wallin, Emma Wheeler, James White and Ziakas.

MERRIMACK: Bibbo, Chandler, Mullin, Packard, Rich, Doris Riley and Stockman.

ROCKINGHAM: Benton, Cutcliffe, Davis, Erler, Gaskill, Gould, Grieco, Griffin, Joseph McEachern, Nelson, Norton, Sanborn, Webster and Helen Wilson.

STRAFFORD: Canney, James Herchek, Maloomian and Nadeau.

SULLIVAN: Brodeur, D'Amante and Desnoyer. and the motion passed.

Referred to Appropriations.

Rep. Parr wished to be recorded in favor of Ought to Pass.

HB 1174, relative to the color of buses used to transport school-aged children. Inexpedient to Legislate. Rep. James Murray for Transportation.

The committee feels that the exemptions provided for in this bill to allow certain buses to be colored as a school bus would dilute the effectiveness of the warning a yellow school bus provides. The stop and go patterns and the age of passengers on a school bus are unique. The committee feels the color of the buses should remain unique to them also.

Rep. Catherine-Ann Day moved that the words, Refer to the Committee on Transportation for Interim Study, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Tavitian spoke in favor of the motion.

Adopted.

HB 1175, relative to the use of automatic flashing stop lights on certain buses. Refer to the Committee on Transportation for interim study. Rep. James Murray for Transportation.

The committee feels that because of the complexity of the implications of this bill, it should be given more indepth study than it can give it at this time.

Adopted.

HB 1180, relative to prohibiting all persons from removing railroad track related structures. Inexpedient to Legislate. Rep. James Murray for Transportation.

The committee has seen that the problems that this bill addresses are already covered by law.

Rep. Hoar moved that the words, Ought to Pass with Amendment, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Tavitian spoke against the motion.

Rep. James Murray requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 117 NAYS 203

YEAS 117

BELKNAP: Bowler, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Dickinson, Found, Keller and Towle.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Elmer Johnson, Ladd, Marshala, Matson, Slack and Whipple.

COOS: Burns, Cooney, Bradley Haynes, Hunt, Oleson, Poulin, Willey, Wiswell and York.

CRAFTON: Aldrich, Buckman, Copenhaver, Dearborn, Myrl Eaton, Gemmill, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Bosse, Burke, Corser, Catherine-Ann Day, Arline Dion, Joseph Eaton, Nancy Gagnon, Granger, Sal Grasso, Cort Hansen, Head, Thomas Hynes, Knight, Marcoux, McGlynn, Morgan, O'Neil, Orcutt, Pappas, Arnold Perkins, Plomaritis, Podles, Henry Richardson, Seamans, Simard, Edward Smith, Leonard Smith, Soucy and Francis Sullivan.

MERRIMACK: Ayles, Bellerose, Carroll, John Cate, Foley, Donna MacIvor, McNichol, Pratt, Gerald Smith, Tarr, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Aller, Bisbee, Blake, Blanchette, Carpenito, Cutcliffe, Danforth, Dunfey, Hartford, Hoar, Niebling, Norton, Parolise, Pucci, Quimby, Richards, Alfreda Smith, Splaine, Wojnowski and Wolfsen.

STRAFFORD: Burchell, Donnelly, Hebert, James Herchek, Joos, Kelly, Lessard, Meader, Morrisette, Rod O'Connor, Preston, Dennis Ramsey, Ruel and Voll.

SULLIVAN: Brodeur, Desnoyer and Sara Townsend.

NAYS 203

BELKNAP: Beard, Gary Dionne, Marshall French, Goyette, Marsh, Morin, James Murray and Kenneth Randall.

CARROLL: Raymond Conley, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Lynch, Moore, Parker, Proctor, Russell, Terry and Terry Wiggins.

COOS: Fortier, Horton, Huggins, Theriault and Alcide Valliere.

GRAFTON: Ira Allen, George Cate, Chambers, Clark, Cornelius, Crory, Duhaime, Logan, Mann, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor and Glyneta Thomson.

HILLSBOROUGH: Alter, Aubut, Barrett, Bednar, Albert Bellemore, Bernier, Emile Boisvert, Brack, Bridges, Brody, Carswell, Coburn, Colson, Mark Connolly, Joseph Cote, Margaret Cote, Coutermarsh, Cullity, William Desmarais, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Gabrielle Gagnon, Girolimon, Heald, Daniel Healy, George Healy, Howard Humphrey, Kaklamanos, Karnis, Keefe, Lachance, Lamy, LaPlante, Levesque, Lyons, Madigan, McDonough, McLaughlin, Miller, Morrison, Fred Murray, Nemzoff-Berman, Timothy O'Connor, Paradis, Pelletier, Peters, Polak, Quigley, Record, Paul Riley, Sing, St. George, Stahl, Stylianos, Sweeney, Harold Thomson, Van Loan, Wallace, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bibbo, Blakeney, Laurent Boucher, Milton Cate, Chandler, Eugene Daniell, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, LaBonte, McLane, Mullin, Packard, Plourde, Ralph, Rice, Ruch, Doris Riley, Shepard and Stockman.

ROCKINGHAM: Aeschliman, Barka, Benton, Campbell, Collins, Connors, Cotton, Cummings, Cunningham, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gaskill, Gould, Greene, Grieco, Griffin, Kane, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Nelson, Parr, Anthony Randall, Rogers, Sanborn, Schwaner, Skinner, Stimmell, Stratton, Tavitian, Black, Webster and Helen Wilson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Lefavour, Maglaras, Maloomian, Nadeau, Osgood, Schreiber, Donald Smith, Tripp, Valley and Shirley White.

SULLIVAN: Barrus, D'Amante, Gray, LeBrun, Lewko, Lucas, Scott, Spaulding and George Wiggins, and the motion lost.  
Resolution adopted.

HB1 2002, Relating to additional penalties for driving under the influence of intoxicating liquor or drugs, second offense. Inexpedient to Legislate. Rep. James Murray for Transportation.

This session the transportation committee has been flooded by bills proposing increased punishment for DWI conviction. The committee feels that we should wait to see the effect of some of these bills before studying any further penalties.

Rep. Knight moved that the words, Refer to Transportation for Interim Study, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Rod O'Connor spoke in favor of the motion.

Rep. James Murray spoke against the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Rep. Knight requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 73 NAYS 239

YEAS 73

BELKNAP: Marshall French.

CARROLL: Roderick Allen and Found.

CHESHIRE: Close, Krause, Matson, Parker, Terry and Whipple.

COOS: Poulin and Wiswell.

GRAFTON: Gemmill, Neil McIver, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Barrett, Bernier, Brack, Brody, Corser, Cullity, Catherine-Ann Day, Granger, Knight, McDonough, McGlynn, Fred Murray, Nemzoff-Berman, O'Neil, Orcutt, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Simard, St. George, Harold Thomson, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Blakeney, Eugene Daniell, Foley, Richard Hanson, Hess, McNichol, Pratt, Ralph and Gerald Smith.

ROCKINGHAM: Aeschliman, Barka, Blake, Danforth, Dunfey, Gaskill, Grieco, Donna McEachern, Parr, Pucci, Anthony Randall, Splaine, Stratton and Wojnowski.

STRAFFORD: Burchell, James Herchek, Kelly, Lessard, Rod O'Connor, Dennis Ramsey, Schreiber and Valley.

SULLIVAN: Spaulding.

NAYS 239

BELKNAP: Beard, Bowler, Goyette, Marsh, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Ladd, Lynch, Marshala, Moore, Proctor, Russell, Slack and Terry Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Oleson, Theriault, Alcide Valliere, Willey and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Gate, Clark, Copenhaver, Cornelius, Crory, Dearborn, Duhaime, Myrl Eaton, Logan, Mann, McAvoey, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor and Glynetta Thomson.

HILLSBOROUGH: Ahern, Alter, Aubut, Bednar, Albert Bellemore, Emile Boisvert, Bosse, Bridges, Burke, Carswell, Coburn, Colson, Mark Connolly, Joseph Cote, Margaret Cote, Coutermarsh, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Lachance, Lamy, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martin, McLaughlin, Miller, Morgan, Morrison, Timothy O'Connor, Pappas, Peters, Polak, Quigley, Record, Seamans, Sing., Edward Smith, Soucy, Stahl, Stylianos, Francis Sullivan, Sweeney, Van Loan, Wallace, Wallin, Geraldine Watson, Robert Wheeler, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, Carroll, John Gate, Milton Gate, Chandler, Gamache, James Humphrey, Polly Johnson, LaBonte, Donna MacIvor, McLane, Mullin, Packard, Plourde, Rice, Rich, Doris Riley, Shepard, Stockman, Tarr, Doris Thompson, Trachy and Ernest Valliere.

ROCKINGHAM: Akerman, Aller, Benton, Bisbee, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Cutliffe, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gould, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Joseph McEachern, Nelson, Niebling, Norton, Parolise, Quimby, Richards, Rogers, Schwaner, Alfreda Smith, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Hebert, Dianne Herchek, Joos, Lefavour, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Preston, Ruel, Donald Smith, Tripp, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Gray, LeBrun, Lewko, Scott, Sara Townsend and George Wiggins, and the motion lost.

Resolution adopted.

Rep. Waters wished to be recorded against the motion to Refer for Interim Study.

Rep. Osgood wished to be recorded against HBI 2002.

Rep. Marshall French moved that debate be limited to twenty minutes, equally divided on all remaining business.

Rep. Richard Hanson moved that the French motion be amended to read ten minutes equally divided.

Amendment adopted.

Motion adopted.

Rep. Marshall French moved that HB 39, permitting towns to appropriate money for day care centers, be taken from the table. Motion lost.

Rep. Snell moved that HB 970, providing for the withdrawal of the Greenland, New Castle, Newington and Rye school districts from Supervisory Union No. 52, be taken from the table. Motion lost.

Rep. Hess moved that HB 858, correcting errors, omissions and inconsistencies in the RSA and session laws and conforming existing law to the criminal code, be taken from the table.

A division was requested.

169 members answering in the affirmative, and 144 in the negative, the motion passed.

#### COMMITTEE REPORTS (cont'd)

HB 858, correcting errors, omissions and inconsistencies in the RSA and session laws and conforming existing law to the criminal code. Ought to Pass with Amendment. Rep. Foley for Constitutional Revision.

This bill is simple. The title of the bill explains its purpose. The amendment deals with a statute that has been declared unconstitutional.

#### AMENDMENT

Amend the bill by striking out sections 19 and 20 and inserting in place thereof the following:

19 Repeal. RSA 585:12 relative to procuring miscarriages is hereby repealed.

20 Repeal. RSA 585:13 relative to destroying a quick child is hereby repealed.

Reps. Foley and Hess spoke in favor of the committee report.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Amendment adopted.  
Ordered to third reading.

Rep. Pratt moved that HB 514, establishing a number of positions in the division of welfare to investigate child abuse and neglect cases, and making an appropriation therefor, be taken from the table.

Motion lost.

Rep. Richard Hanson moved that HB 1190, relative to taxing the property of the North Bay Council, Inc. of the Boy Scouts of America located in the town of Orford, be taken from the table.

A roll call was requested.  
Sufficiently seconded.

(Speaker presiding)  
YEAS 157 NAYS 163  
YEAS 157

BELKNAP: Marshall French, Marsh, Morin, James Murray and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Howard, Keller and Towle.

CHESHIRE: Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Krause, Marshala, Proctor and Whipple.

COOS: Burns, Cooney, Horton, Huggins, Hunt, Poulin and Theriault.

CRAFTON: Aldrich, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Logan, Mann, McAvoy, Neil McIver, Rounds, Snell, Stomberg, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Bednar, Belanger, Bosse, Bridges, Brody, Burke, Carswell, Arline Dion, L. Penny Dion, Nancy Gagnon, Granger, Sal Grasso, Head, Heald, Howard Humphrey, Keefe, Knight, Levesque, Marcoux, Fred Murray, Timothy O'Connor, O'Neil, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Paul Riley, Seamans, Sing, Leonard Smith, Soucy, Spirow, Stylianos, Francis Sullivan, Harold Thomson, Van Loan and Wallace.

MERRIMACK: Bellerose, Bibbo, Blakeney, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, James Humphrey, Polly Johnson, Mullin, Packard, Rice, Rich, Shepard, Stockman, Tarr, Doris Thompson, Trachy and Waters.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Blake, Cunningham, Cutcliffe, Danforth, Davis, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Gaskill, Gould, Griffin, Kashulines, King, Lovejoy, Joseph McEachern, Norton, Sanborn, Stratton, Tavitian, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Canney, Donnelly, Hebert, James Herchek, Kelly, Lefavour, Meader, Nadeau, Osgood, Preston, Ruel, Tripp and Valley.

SULLIVAN: Barrus, Brodeur, Gray, LeBrun, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 163

BELKNAP: Beard, Bowler, Coyette, Hildreth, Nighwander, Kenneth Randall and Sabbow.

CARROLL: Claflin, Found and Kenneth MacDonald.

CHESHIRE: Chase, Close, Dostilio, Hogan, Ladd, Lynch, Matson, Moore, Parker, Russell, Slack, Terry and Terry Wiggins.

COOS: Fortier, Bradley Haynes, George Lemire, Oleson, Alcide Valliere, Willey, Wiswell and York.

CRAFTON: Ira Allen, Chambers, Copenhaver, Cornelius, Crory, Pepitone and Taffe.

HILLSBOROUGH: Alter, Aubut, Barrett, Albert Bellemore, Bernier, Emile Boisvert, Brack, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Girolimon, Cort Hansen, Daniel Healy, George Healy, Thomas Hynes, Kaklamanos, Karnis, Lachance, LaPlante, Lyons, Madigan, Martin, McDonough, McGlynn, McLaughlin, Miller, Morgan, Morrison, Nemzoff-Berman, Orcutt, Pelletier, Polak, Quigley, Record, Simard, Edward Smith, St. George, Stahl, Wallin, Geraldine Watson, Emma Wheeler, Robert Wheeler, James White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Carroll, Eugene Daniell, Gamache, Hess, LaBonte, Donna MacIvor, McLane, McNichol, Plourde, Pratt, Ralph, Doris Riley, Gerald Smith and Ernest Valliere.

ROCKINGHAM: Aeschliman, Aller, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Robert Day, Dunfee, Ganley, Greene, Grieco, Hartford, Hoar, Kane, Laycock, Joseph MacDonald, Donna McEachern, Nelson, Niebling Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Schwaner, Alfreda Smith, Splaine, Stimmell, Vlack and Wojnowski.

STRAFFORD: Burchell, Walter Desmarais, Dianne Herchek, Joos, Lessard, Maglaras, Maloomian, Morrisette, Rod O'Connor, Dennis Ramsey, Schreiber, Donald Smith, Voll and Shirley White.

SULLIVAN: Lewko and Lucas, and the motion lost.

Rep. Richard Hanson moved that HB 1070, relative to filing a statement of declaration in connection with the real estate transfer tax, be taken from the table.



Motion lost.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday at 1:00 p.m. Adopted.

#### LATE SESSION

Third reading and final passage.

HB 229, amending certain provisions of the statutes relative to OHRVs.

HB 726, relative to local approval for the development of any public airport.

HB 1035, modifying the criminal classification of operating a motor vehicle under the influence of alcohol or controlled drugs.

HB 858, correcting errors, omissions and inconsistencies in the RSA and session laws and conforming existing law to the criminal code.

#### RECONSIDERATIONS

Rep. Rich moved that the House reconsider its action whereby it killed HB 917, relative to the licensing of blind persons to operate vending facilities.

Reps. Orcutt and Spirou spoke against the motion.

Rep. Dickinson spoke in favor of the motion.

Rep. Head spoke in favor of the motion.

Reps. Cotton and Raymond Conley spoke against the motion.

Reconsideration lost.

Rep. Doris Riley moved that the House reconsider its action whereby it indefinitely postponed HB 656, relative to the number of challenges of jurors in murder trials.

Reps. Martin and Daniel Healy spoke against the motion.

Reps. Packard, Eugene Daniell, Harold Thomson and Dearborn spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 144 NAYS 173

YEAS 144

BELKANP: Bowler, Marshall French, Morin, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Howard, Keller and Kenneth MacDonald.

CHESHIRE: Fillback, Irvin Gordon, Elmer Johnson, Marshala, Matson, Moore and Whipple.

COOS: Cooney, Huggins and Alcide Valliere.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Mann, McAvoy, Neil McIver, Rounds, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Belanger, Bosse, Bridges, Brody, Burke, Carswell, Mark Connolly, Arline Dion, L. Penny Dion, Nancy Gagnon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Keefe, Knight, LaPlante, McDonough, Morgan, Fred Murray, Orcutt, Pappas, Paradis, Arnold Perkins, Peters, Plomaritis, Polak, Record, Paul Riley, Seamans, Simard, St. George, Harold Thomson, Van Loan, Wallace, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Polly Johnson, LaBonte, Donna Macivor, Mullin, Packard, Pratt, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Aller, Benton, Bisbee, Blake, Campbell, Connors, Cummings, Cutliffe, Davis, Felch, Beverly Gage, Gaskill, Gould, Hartford, Hoar, Kane, Kashulines, King, Lovejoy, Joseph MacDonald, Nelson, Norton, Parr, Anthony Randall, Richards, Rogers, Schwaner, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Hebert, James Herchek, Nadeau, Osgood, Dennis Ramsey, Ruel and Donald Smith.

SULLIVAN: Barrus, Brodeur, Gray, Lewko, Scott and George Wiggins.

NAYS 173

BELKNAP: Beard, Goyette, Hildreth, Marsh and James Murray.

CARROLL: Claflin, Found and Towle.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Galloway, Anne Gordon, Hogan, Krause, Ladd, Parker, Proctor, Russell, Slack, Terry and Terry Wiggins.

COOS: Burns, Fortier, Bradley Haynes, Horton, Hunt, Oleson, Poulin, Theriault, Willey, Wiswell and York.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Myrl Eaton, Gemmill, Logan, Pepitone, Snell, Stomberg, Taffe, Taylor and Michael Woodard.

HILLSBOROUGH: Alter, Aubut, Barrett, Bednar, Albert Bellemore, Bernier, Emile Boisvert, Brack, Coburn, Colson, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Girolimon, Sal Grasso, Daniel Healy, George Healy, Thomas Hynes, Karnis, Lachance, Lamy, Levesque, Lyons, Madigan, Marcoux, Martin, McGlynn, McLaughlin, Miller, Morrison, Nemzoff-Berman, Timothy O'Connor, O'Neil, Pelletier, Quigley,

Sing, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, Wallin, Geraldine Watson, Robert Wheeler, James White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Bellerose, Blakeney, Carroll, John Cate, Richard Hanson, McLane, McNichol, Plourde, Ralph, Rice and Doris Thompson.

ROCKINGHAM: Aeschliman, Barka, Blanchette, Carpenito, Chapman, Collins, Cotton, Cunningham, Danforth, Robert Day, Dunfey, Erler, Flanagan, Ganley, Greene, Grieco, Griffin, Laycock, Joseph McEachern, Niebling, Parolise, Pucci, Quimby, Sanborn, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack and Wojnowski.

STRAFFORD: Burchell, Canney, Walter Desmarais, Donnelly, Dianne Herchek, Joos, Kelly, Lefavour, Maglaras, Maloomian, Meader, Morrisette, Rod O'Connor, Preston, Schreiber, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: LeBurn, Lucas, Spaulding and Sara Townsend, and reconsideration lost.

Rep. Splaine moved that the House reconsider its action whereby it killed HB 650, amending the property tax laws relative to land, buildings and personal property of the state, cities, towns, school districts and village districts, and spoke to his motion.

Rep. McLane spoke in favor of the motion.

Rep. Griffin spoke against the motion.

Rep. Elmer Johnson moved that reconsideration of HB 650 be made a Special Order for Thursday, May 12, and spoke to his motion.

Rep. Quimby spoke in favor of the motion.

Rep. Chandler moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 209 NAYS 104

YEAS 209

BELKNAP: Beard, Bowler, Marshall French, Goyette, Marsh, Morin, James Murray, Nighswander, Kenneth Randall and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Keller and Towle.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Fillback, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Marshala, Matson, Moore, Parker, Proctor, Russell, Terry and Whipple.

COOS: Fortier, Bradley Haynes, Horton, Huggins, Hunt, Oleson, Poulin, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Copenhaver, Duhaime, Myrl Eaton, Gemmill, Logan, Mann, McAvoy, Rounds, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Bednar, Belanger, Albert Bellemore, Bosse, Bridges, Burke, Coburn, Colson, Mark Connolly, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Arline Dion, L. Penny Dion, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Cort Hansen, Head, Heald, Daniel Healy, Thomas Hynes, Keefe, Knight, LaPlante, Marcoux, Martin, McDonough, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Nemzoff-Berman, O'Neil, Paradis, Arnold Perkins, Peters, Plomaritis, Polak, Record, Seamans, Sing, Edward Smith, Leonard Smith, Soucy, St. George, Stahl, Francis Sullivan, Van Loan, Wallin and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Richard Hanson, Hess, Polly Johnson, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Ralph, Doris Riley, Gerald Smith, Stockman, Tarr, Trachy and Waters.

ROCKINGHAM: Barka, Bisbee, Blake, Blanchette, Campbell, Carpenito, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Gould, Greene, Hoar, Kane, Kashulines, King, Laycock, Nelson, Niebling, Norton, Parr, Quimby, Richards, Rogers, Sanborn, Schwaner, Alfreda Smith, Stratton, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Donnelly, Hebert, Lefavour, Lessard, Maloomian, Meader, Nadeau, Osgood, Preston, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Gray, LeBrun, Lewko, Lucas, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 104

BELKNAP: Hildreth and Sabbow.

CARROLL: Roderick Allen.

CHESHIRE: Galloway, Slack and Terry Wigin.

COOS: Burns, Cooney, Theriault, Alcide Valliere and York.

GRAFTON: Chambers, Cornelius, Crory, Dearborn and Pepitone.

HILLSBOROUGH: Alter, Aubut, Emile Boisvert, Brack, Brody, Carswell, Joseph Cote, Coutermarsh, Cullity, William Desmarais, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, George Healy, Howard Humphrey, Kaklamanos,

Karnis, Lachance, Lamy, Levesque, Lyons, Madigan, McGlynn, Timothy O'Connor, Orcutt, Pappas, Pelletier, Podles, Quigley, Paul Riley, Simard, Spirou, Stylianos, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler, James White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Gamache, James Humphrey, Plourde, Pratt, Rice, Shepard, Doris Thompson and Ernest Valiere.

ROCKINGHAM: Aeschliman, Akerman, Aller, Benton, Chapman, Collins, Connors, Cotton, Cummings, Dunfey, Erler, Grieco, Griffin, Hartford, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Parolise, Pucci, Anthony Randall, Splaine, Stimmell, Tavitian and Wojnowski.

STRAFFORD: Burchell, Canney, Walter Desmarais, Dianne Herchek, Joos, Kelly, Maglaras, Morrisette, Rod O'Connor, Dennis Ramsey and Shirley White.

SULLIVAN: Brodeur, and the motion passed.

Rep. Valley moved that the House reconsider its action whereby it killed HB 1182, to permit the postponement for a limited time of any increase in the appraised value of improved real estate.

Rep. James Herchek spoke in favor of the motion.

Rep. Richard Hanson spoke against the motion.

Reconsideration lost.

Rep. Plourde moved that the House reconsider its action whereby it Indefinitely Postponed HB 503, relative to establishing a driver alcohol retraining program and making an appropriation therefor.

Reconsideration lost.

Rep. Marshall French and Coutermarsh moved that the House adjourn.  
Adopted.

334 members were recorded as present.

The House adjourned at 7:00 p.m.

# HOUSE JOURNAL 35

Thursday, 12 May77

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith., Sr.

Have a happy day with us Lord. We have much to do here today. Work with us in spirit and truth. Give us courage to respond in like manner with You and our co-workers. Stimulate us to see the possibilities ever present. Mold us that we may see clearly Your goodness in the land of the living. How easy it is to complain because rose bushes have thorns. Set us free to rejoice in the truth and the hope that thorn bushes have roses. Guide our energies that we may be bearers of roses in the midst of our thorny times. God, bless us, in the name of the Man called the "Rose of Sharon" - Jesus. Amen!

Rep. Bowler led the Pledge of Allegiance.

Rep. Marshall French moved that debate be limited to thirty minutes, equally divided on all bills.

Adopted.

## LEAVES OF ABSENCE

Reps. Callahan, Belhumeur, Forsaith Daniels, Burrows, William Boucher, Zabarsky, Chapman and D'Amante, the day, illness.

Reps. Emile Boisvert, Thomas Hynes, Scranton, Ward, Roland Boucher, Krasker, Faucher, Mansfield and Pappas, the day, important business.

## INTRODUCTION OF GUESTS

Bertil Ljungherg and Anders Ohlsson, students from Sweden, guests of Rep. Sanders; Mr. and Mrs. Charles Carroll, guests of Rep. Carroll; Mrs. Milton L. Smith, Sr., wife of the House Chaplain, guest of the House.

## COMMITTEE REPORTS

### (Consent Calendar)

Rep. Marshall French moved that the House adopt the committee recommendation of Inexpedient to Legislate on SBs 74 and 80, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on SBs 6 and 61.

Adopted.

SB 74, relating to the regulation of polygraph examiners. Inexpedient to Legislate.

The Committee felt that it was inappropriate to set up a new regulatory body for fifteen members. Twelve of the fifteen operators are doing police department work and the other three working in the police area.

SB 80, relative to the sale of cider. Inexpedient to Legislate.

The passage of this legislation would force every farmer and apple grower into the grocery business to be able to sell his own apple cider. The vote was 14-0.

SB 6, providing for a power of attorney which survives disability or incompetence of the principal. Ought to Pass with Amendment.

Under present law, a power of attorney granted by any person to an agent is revoked by the subsequent disability or incompetence of the person granting the power. Under this bill the subsequent disability or incompetence of such person will not revoke the authority of an agent who acts under a power of attorney if the power of attorney specifies in writing that the authority granted is exercisable notwithstanding the subsequent disability or incompetence of the person granting the power. In addition, if a guardian or conservator is subsequently appointed for a disabled or incompetent person, the bill gives the guardian or conservator the same power to revoke or suspend all or any part of the power of attorney that the principal has. The Committee amendment limits this to a special or limited power of attorney and specifically states that a general power of attorney shall not survive disability or incompetence. The Committee felt that this bill would be of great assistance to elderly people.

## Amendment

Amend RSA 506:6, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. The subsequent disability or incompetence of a principal shall not revoke or terminate the authority of an agent who acts under a special or limited power of attorney in a writing executed by such principal which contains the words "This special or limited power of attorney shall not be affected by the subsequent disability or incompetence of the principal" or words of similar import showing the intent of such principal that the authority conferred shall be exercisable notwithstanding his subsequent disability or incompetence. The general power of attorney shall not survive the disability or incompetence of the principal.

SB 61, relative to the treatment of juveniles as adults in criminal cases. Ought to Pass with Amendment.

Under existing law a juvenile who commits a crime is treated in the juvenile court unless certified to the superior court, where he would be treated as an adult.



The bill recognizes the existence of "hard core" juvenile criminals. This bill mandates that juveniles once certified and convicted of subsequent crimes be treated as an adult.

#### Amendment

Amend RSA 169:21-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

169:21-c Treatment of Juvenile as Adult. Any juvenile whose case has been certified to the superior court and who has been convicted as an adult by said court shall after said conviction, be treated as an adult for all purposes in connection with any criminal offense with which said juvenile may be charged.

Rep. LaMott requested a quorum count, withdrew his request and requested a Call of the House.

Adopted.

The Speaker declared that 329 members were recorded as present.

Rep. Marshall French moved to rescind the call of the House.

Adopted.

#### COMMITTEE REPORTS (Regular Calendar)

HB 342, relative to deputy conservation officers. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Names and establishes the terms and conditions of deputy conservation officers.

#### Amendment

Amend RSA 206:27-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

206:27-a Deputy Conservation Officers. The director is authorized to recruit, train and organize a deputy conservation officer for the purpose of assisting conservation officers in the enforcement of fish and game laws and augmenting the conservation officer force in such manner as the director may deem appropriate. The director may appoint such deputy conservation officers from retired conservation officers, superintendents of fish hatcheries, hatchery foremen or superintendents of game farms or biologists as he shall deem appropriate. Such deputy conservation officers shall at all times be under the direction, control and supervision of the director or his agent and shall be subject to the rules and regulations promulgated by the director and shall serve at the pleasure of the director.

Amend RSA 206:27-c, 27-d, 27-e and 27-f as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

206:27-c Powers. All members of the deputy conservation officer force shall have all powers set forth in 206:26, 206:26-a and 206:26-b but such powers shall extend only during the period when such member is on official active duty under the direction of the director or his agent.

207:27-d Workmen's Compensation. All deputy conservation officers who are engaged in official duties shall be considered state employees for the purpose of the workmen's compensation for state employees under RSA 281:5 and 6.

206:27-e Removal. Any member of the deputy conservation officer force may be suspended or discharged at the discretion of the director.

206:27-f Retirement Benefits. No deputy conservation officer appointed under the authority of provisions of RSA 206:27 shall be deemed to be eligible for group II retirement benefits, unless said officer has had previous coverage under group II retirement.

Amendment adopted.

Ordered to third reading.

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Provides for the licensing and regulation of sewer designers and installers.

#### Amendment

Amend RSA 149-E:3, X as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

X. All applications, plans, and specifications submitted in accordance with this chapter for subsurface sewage or waste disposal systems must be prepared and signed by the person who is directly responsible for same and who is licensed by the commission to perform such work. The commission shall issue a license to any person who applies to the commission, pays a fee of \$15 and who has demonstrated a sound working knowledge of the procedures and practices required in the site evaluation, design and operation of subsurface sewage or waste disposal systems. Professional engineers registered pursuant to RSA 319 shall be exempt from the fee required by this paragraph. The commission shall require an oral and written examination to determine who may qualify for a license. Individuals who have been actively engaged in the practice of designing systems at the time this paragraph takes effect shall not be required to submit to such examination, but shall be issued a license upon filing an application and paying the initial fee. The commission shall process applications within 45 days of their receipt. Permits shall be issued from January 1 and shall expire December 31 of

each year. Permits shall be renewable upon proper application and payment of an annual fee of \$10. The license issued to any such person may be revoked only for just cause and after such person has had a full opportunity to be heard by the commission. Any individual who desires to submit plans and specifications for a sewage or waste disposal system for his own use shall not be required to obtain a license under this paragraph provided that he attests to his eligibility for such exemption in the application for construction approval. The commission may require by rule that a person licensed under this paragraph also be a registered professional engineer with a civil or sanitary designation in order to submit applications for construction approval in certain complex situations requiring 2,500 gallons per day capacity or more as determined by the commission. All fees collected shall be deposited with the state treasurer as unrestricted revenue.

Amend RSA 149-E:3-a, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. No person shall engage in the business of installing subsurface sewage or waste disposal systems under this chapter without first obtaining an installer's permit from the commission. The permit holder shall be responsible for installing the subsurface sewage or waste disposal system in accordance with the intent of the approved plan. The commission shall issue an installer's permit to any person who submits an application provided by the commission, pays a fee of \$15 and demonstrates a sound working knowledge of RSA 149-E:3 and the ability to read approved waste disposal plans. The commission shall require an oral and written examination to determine who may qualify for an installer's permit. Individuals who have been actively engaged in the business of installing systems at the time this section takes effect shall not be required to submit to such examination, but shall be issued a permit upon filing an application and paying the initial fee. The commission shall process applications within 45 days of their receipt. Permits shall be issued from January 1 and shall expire December 31 of each year. Permits shall be renewable upon proper application payment of an annual fee of \$10. The installer's permit may be revoked or not renewed for just cause, including but not limited to the installation of waste disposal systems in violation of this chapter or the refusal by a permit holder to correct defective work. No permit shall be revoked or the renewal of a permit shall not be refused until the permit holder has had an opportunity to be heard by the commission. All fees shall be deposited with the state treasurer as unrestricted revenue.

Amendment adopted.

Ordered to third reading.

HB 426, revising the state tax on dog racing. Ought to Pass. Rep. Tucker for Appropriations.

The Committee approved the concept of providing tax relief to the small greyhound tracks on days when their receipts are under \$50,000. It appears that the State has the option of approving this concept and allow the small tracks to operate on slow days or see the small tracks not operating at all. In the long run, this bill will preserve a revenue base. Unanimous vote of the Committee. Ordered to third reading.

HB 436, revising the state tax on harness racing. Ought to Pass. Rep. Tucker for Appropriations.

The Committee approved the concept of providing tax relief to the small harness horse tracks on days when their receipts are under \$50,000. It appears that the State has the option of approving this concept and allow the small tracks to operate on slow days or see the small tracks not operating at all. In the long run, this bill will preserve a revenue base. Unanimous vote of the Committee.

Rep. Normand spoke to the committee report.

Ordered to third reading.

HB 437, removing the requirement that assistants and employees of the state racing commission be paid on a per diem basis. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill is needed to correct a deficiency in the law dealing with the employment of assistants and employees of the state racing commission. Under current law the Commission must pay an employee on a set per diem rate whether the employee works a half day or a full day. This bill will allow the Commission to pay their employees for actual time worked.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

relative to the payment of assistants and employees of the state racing commission.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Compensation Arrangement. Amend RSA 284:8 (supp) as amended by striking out in lines 3 and 4 the words "on a per diem basis" and inserting in place thereof the following (per racing program) so that said section as amended shall read as follows:

284:8 Assistants. The commission is authorized to employ such assistants and employees as it may deem necessary to provide adequate policing and to carry out the purposes hereof at such compensation

per racing program as the commission may prescribe, subject to the regulations of the state personnel commission. The commission shall specify the duties to be performed by its assistants and employees and it shall have authority, for cause, to terminate the employment of any member of its personnel, subject to the regulations of the state personnel commission. It shall be unlawful, however, for the commission to appoint to any position under its jurisdiction any state, county, city, or town official or employee, except police officers and public school teachers, whose total annual salary or compensation from said state, county, city, or town exceeds one thousand dollars.

Amendment adopted.

Ordered to third reading.

HB 517, providing for the acquisition of a tract of land to be known as the Pine River state forest and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Allows for the acquisition of a state forest in East Central New Hampshire.

#### Amendment

Amend RSA 216-G as inserted by section 1 of the bill by striking out sections 3, 4, 5 and 6.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Appropriation. The following sum is hereby appropriated for the purpose of acquiring the Pine River state forest, so-called: \$462,500 from general funds of the state; \$412,500 from federal funds. Of the sum hereby appropriated from general funds, \$50,000 shall be expended only for those certain incidental costs of land acquisition, including but not limited to appraisals, surveys, forest inventory and title examinations which, under current regulations, are not eligible for federal participation.

3 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 2, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$462,500 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with RSA 6-A provided, however, that the bonds issued shall have a maturity date of 5 years from date of issue.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Griffin moved that HB 517 be made a Special Order for Thursday, May 19, spoke to her motion and yielded to questions.

Rep. LaMott spoke against the motion. Motion lost.

Ordered to third reading.

SB 27, revising the occupational regulations relating to barbering. Ought to Pass. Rep. Tucker for Appropriations. The bill updates license and certification fees, examination schedules, apprenticeship terms and renewal provisions of the existing law. The Committee vote was unanimous. Ordered to third reading.

SB 65, relative to requiring certain information to be included in correspondence from state agencies. Ought to Pass. Rep. Tucker for Appropriations.

This bill requires uniformity of written correspondence of state agencies to members of the general public.

Ordered to third reading.

SB 72, instructing the commissioner of resources and economic development to erect a commemorative marker on the Hampton harbor pier commemorating the Irving N. Jones family for contributions to commercial fishing. Ought to Pass. Rep. Tucker for Appropriations.

This bill causes the Irving N. Jones family to be properly recognized.

Rep. Norton moved that the House defer action on SB 72 until an appropriate amendment could be drafted and spoke to his motion.

Adopted.

SB 67, increasing the daily salary of a special justice of the district and municipal court. Ought to Pass with Amendment. Rep. Doris Riley for Judiciary.

This bill gives communities the option to pay a special justice a salary not less than \$50 per day nor more than \$85 per day or the 30 percent paid to a full time justice.

#### Amendment

Amend RSA 502-A:6, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Salaries of Special Justices. The annual salaries of the special justices of the district courts shall be an amount equal to 30 percent of the salary paid to justices as provided in paragraph I. Except that by vote of the local governing body the salary of the special justice may exceed 30 percent of the salary of the justice of said district court or they may vote to pay said special justice an amount which shall be not less than \$50 nor more than \$85 for each day or part thereof that he shall serve in said capacity. Provided, however, in the event of the death, resignation or retirement of the justice and no appointment is made to fill the vacancy caused thereby for a period of 60 days, the special justice shall then be paid the salary of the justice until his vacancy is filled; and provided further, that if the justice is absent due to illness or disqualification for any other reason for a period of more than 60 days,



the special justice shall be entitled to the salary of the justice until the justice is able to assume his duties. The special justices of other cities and town and the justices of peace requested to sit owing to the disqualifications of the justice and special justice shall be paid from the treasury of the city or town wherein said court is located \$85 a day for each day or part thereof that he shall serve in said capacity.

Amendment adopted.

Rep. Bridges requested a roll call on ordering the bill to third reading. Sufficiently seconded.

Rep. Orcutt abstained from voting under Rule 16.

(Speaker presiding)

YEAS 165 NAYS 172

YEAS 165

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Nighswander, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley and Found.

CHESHIRE: Chase, Close, Irvin Gordon, Krause, Ladd, Lynch, Parker, Proctor, Margaret Ramsay, Russell, Terry and Terry Wiggan.

COOS: Fortier, George Lemire, Mabel Richardson, Willey and Wiswell.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Duhaime, Cennill, Hough, Mann, Neil McIver, Snell, Stomberg, Taffe and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Bednar, Belanger, Wilfrid Boisvert, Bosse, Brody, Burke, Carswell, Mark Connolly, Corser, Coughlin, Cullity, Catherine Ann Day, Dupont, Nancy Gagnon, Cort Hansen, Head, Daniel Healy, Kaklamanos, Keefe, Knight, Martin, McDonough, McGlynn, Morgan, Fred Murray, Nardi, Nemzoff-Berman, Normand, Pelletier, Peters, Plomaritis, Quigley, Sing, St. George, Stahl, Kevin Sullivan, Van Loan, Welch, Emma Wheeler, Robert Wheeler, James White, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bibbo, Bodi, Richard Hanson, Donna MacIvor, McLane, Pelton, Ralph, Rich, Doris Riley, Stockman, Doris Thompson, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Barka, Bisbee, Blanchette, Campbell, Collins, Connors, Cotton, Cummings, Cunningham, Robert Day, Flanagan, Ganley, Gaskill, Goff, Gould, Grieco, Hartford, Hoar, Kane, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Parolise, Pucci, Quimby, Richards, Sanborn, Scamman, Skinner, Alfreda Smith, Stratton, Tavitian, Webster, Helen Wilson, Wojnowski and Wolfesen.

STRAFFORD: Appleby, Burchell, Canney, Lefavour, Lessard, Nadeau, Rod O'Connor, Preston, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Valley and Allen Wilson.

SULLIVAN: Frizzell, Lewko, Spaulding, Sara Townsend and Tucker.

NAYS 172

BELKNAP: Ambrose, Hildreth, Lawton, Marsh, Morin, James Murray and Kenneth Randall.

CARROLL: Claflin, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Daniel Eaton, Fillback, Galloway, Anne Gordon, Elmer Johnson, Marshala, Matson, Slack, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Bradley Haynes, Horton, Huggins, Hunt, Keough, Oleson, Patenaude, Poulin, Theriault, Alcide Valliere and Neila Woodward.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Myrl Eaton, LaMott, Logan, McAvoy, Pepitone, Rounds, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Baker, Barrett, Bernier, Bridges, Coburn, Joseph Cote, Margaret Cote, Coutermarsh, William Desmarais, Arline Dion, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinis, Girolimon, Granger, Heald, George Healy, Howard Humphrey, Karnis, Lachance, Lamy, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martineau, McLaughlin, Miller, Morrison, Kerry O'Connor, Timothy O'Connor, O'Neil, Paradis, Arnold Perkins, Podles, Polak, Record, Henry Richardson, Simard, Edward Smith, Leonard Smith, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Wallin and Geraldine Watson.

MERRIMACK: Bellerose, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, James Humphrey, Polly Johnson, Kidder, LaBonte, Mullin, Plourde, Pratt, Shepard, Gerald Smith, Stefanides and Tarr.

ROCKINGHAM: Akerman, Benton, Blake, Carpenito, Danforth, Davis, Dunfey, Erler, Beverly Gage, Greene, Griffin, Kashulines, King, Joseph McEachern, Norton, O'Keefe, Parr, Anthony Randall, Rogers, Rossley, Schwaner, Splaine, Stimmell and Vlack.

STRAFFORD: Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Jocas, Joos, Kelly, Maglaras, Maloomian, Meader, Osgood, Dennis Ramsey, Tripp, Voll and Shirley White.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Scott and George Wiggins, and the motion lost.



Rep. Richard Hanson moved that SB 67 be laid upon the table.  
Motion lost.

Rep. Marsh moved that SB 67 be Inexpedient to Legislate, and spoke to his motion.

Rep. Carpenito explained the bill.

Rep. Lyons spoke in favor of the motion.

Rep. Marshall French spoke against the motion.

Question being on the Marsh motion, Inexpedient to Legislate.

Rep. Close moved that SB 67 be recommitted to the committee on Judiciary and spoke to his motion.

Rep. Chandler spoke against the motion.

Rep. Richard Hanson spoke in favor of the motion.

A roll call was requested.  
Sufficiently seconded.

Reps. Orcutt and Kevin Sullivan abstained from voting under Rule 16.

(Speaker presiding)

YEAS 132 NAYS 215

YEAS 132

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson, Hildreth and Nighswander.

CARROLL: Roderick Allen and Howard.

CHESHIRE: Close, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell, Terry and Terry Wiggin.

COOS: Fortier, Bradley Haynes, Oleson, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Duhaime, Gemmill, Hough, Mann, Neil McIvor, Stomberg, Taffe and Michael Woodard.

HILLSBOROUGH: Ainley, Aubut, Brody, Burke, Mark Connolly, Margaret Cote, Coughlin, Catherine-Ann Day, Dupont, Girolimon, Cort Hansen, Head, Daniel Healy, Keefe, Knight, LaPlante, Martin, McDonough, McGlynn, Morgan, Nardi, Normand, O'Neil, Pelletier, Peters, Seamans, Edward Smith, Leonard Smith, St. George, Stahl, Van Loan, Emma Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Blakeney, Bodi, Eugene Daniels, Richard Hanson, Hess, Donna McIvor, McLane, McNichol, Packard, Pelton, Rich, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Barka, Bisbee, Blanchette, Campbell, Carpenito, Connors, Cotton, Cummings, Cunningham, Flanagan, Ganley, Grieco, Hartford, Hoar, Kane, Maynard, Donna McEachern, Nelson, Niebling, Quimby, Richards, Sanborn, Scamman, Skinner, Stratton, Helen Wilson, Wojnowski and Wolfesen.

STRAFFORD: Burchell, Lessard, Nadeau, Rod O'Connor, Sackett, Schreiber and Torrey.

SULLIVAN: Frizzell, Lewko, Lucas, Spaulding, Sara Townsend and Tucker.

NAYS 215

BELKNAP: Ambrose, Gary Dionne, Lawton, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Elmer Johnson, Matson, Slack, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Horton, Huggins, Hunt, Keough, George Lemire, Patenaude, Poulin, Mabel Richardson, Theriault and Alcide Valliere.

GRAFTON: Aldrich, Ira Allen, Buckman, George Gate, Clark, Dearborn, Myrl Eaton, LaMott, Logan, McAvoy, Pepitone, Rounds, Snell, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Arnold, Baker, Barrett, Bednar, Belanger, Bernier, Wilfrid Boisvert, Bosse, Brack, Bridges, Carswell, Coburn, Corser, Joseph Cote, Coutermarsh, Cullity, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelin, Granger, Heald, George Healy, Howard Humphrey, Kaklamanos, Karnis, Lachance, Lamy, Levesque, Lyons, Madigan, Marcoux, Martineau, McLaughlin, Miller, Morrison, Fred Murray, Nemzoff-Berman, Kerry, O'Connor, Timothy O'Connor, Paradis, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Simard, Sing, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Wallin, Geraldine Watson, Welch, Robert Wheeler and James White.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, Carroll, John Gate, Milton Gate, Chandler, Foley, Gamache, James Humphrey, Polly Johnson, Kidder, LaBonte, Mullin, Plourde, Pratt, Ralph, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr and Doris Thompson.

ROCKINGHAM: Akerman, Benton, Blake, Collins, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Erler, Beverly Gage, Gaskill, Goff, Gould, Greene, Griffin, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Joseph McEachern, Norton, O'Keefe, Parolise, Parr, Pucci, Anthony Randall, Rogers, Rossley, Schwane, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack and Webster.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Rebert, Dianne Herchek, James Herchek, Joncas, Joos, Kelly, Lefavour, Maglaras, Maloomian, Meader, Osgood,

Preston, Dennis Ramsey, Ruel, Donald Smith, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Scott and George Wiggins and the motion lost.

Question being on the motion, Inexpedient to Legislate.

On a voice vote the Speaker was in doubt and requested a roll call.

Reps. Kevin Sullivan, Orcutt and Bosse abstained from voting under Rule 16.

(Speaker presiding)  
YEAS 204 NAYS 142  
YEAS 204

BELKNAP: Ambrose, Hildreth, Lawton, Marsh, Morin, James Murray, Kenneth Randall and Sabbow.

CARROLL: Claflin, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Elmer Johnson, Matson, Slack, Terry, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Bradley Haynes, Horton, Huggins, Hunt, Keough, Patenaude, Poulin, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and Neila Woodard.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, LaMott, Logan, McAvoy, Pepitone, Rounds, Snell, Taffe, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Baker, Barrett, Bednar, Belanger, Bernier, Wilfrid Boisvert, Brack, Bridges, Carswell, Coburn, Joseph Cote, Margaret Cote, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelin, Girolimon, Granger, Head, Heald, George Healy, Howard Humphrey, Karnis, Keefe, Lachance, Lamy, LaPlante, Levesque, Lyons, Madigan, Marcoux, Martineau, McLaughlin, Miller, Morgan, Morrison, Kerry O'Connor, Timothy O'Connor, Paradis, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Simard, Sing, Soucy, St. George, Stylianos, Francis Sullivan, Harold Thomson, Wallin, Geraldine Watson, Emma Wheeler and Robert Wheeler.

MERRIMACK: Bellerose, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, Gamache, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, Mullin, Packard, Pratt, Ralph, Shepard, Gerald Smith, Stefanides, Tarr and Doris Thompson.

ROCKINGHAM: Akerman, Benton, Blake, Cutcliffe, Danforth, Davis, Dunfe, Erler,

Beverly Gage, Gaskill, Greene, Griffin, Kashulines, King, Laycock, Lovejoy, Joseph McEachern, Norton, O'Keefe, Parolise, Parr, Pucci, Anthony Randall, Richards, Rogers, Schwaner, Alfreda Smith, Splaine, Stimmell, Vlack and Helen Wilson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joncas, Joos, Kelly, Maglaras, Maloomian, Meader, Osgood, Preston, Dennis Ramsey, Tripp, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Scott and George Wiggins.

NAYS 142

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Nighswander and Sanders.

CARROLL: Roderick Allen, Raymond Conley and Found.

CHESHIRE: Close, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell and Terry Wigin.

COOS: Fortier, George Lemire and Oleson.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Gemmill, Hough, Mann, Neil McIver, Stomberg and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Brody, Burke, Mark Connolly, Corser, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, Dupont, Cort Hansen, Daniel Healy, Kaklamanos, Knight, Martin, McDonough, McGlynn, Fred Murray, Nardi, Nemzoff-Berman, Normand, O'Neil, Pelletier, Peters, Seamans, Edward Smith, Leonard Smith, Stahl, Van Loan, Welch, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Richard Hanson, Hess, McLane, McNichol, Pelton, Plourde, Rich, Doris Riley, Stockman, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Barka, Bisbee, Blanchette, Campbell, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Robert Day, Flanagan, Ganley, Goff, Gould, Grieco, Hartford, Hoar, Kane, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Quimby, Rossley, Sanborn, Scamman, Skinner, Stratton, Tavitian, Webster, Wojnowski and Wolfson.

STRAFFORD: Burchell, Bruce French, Lefavour, Lessard, Nadeau, Rod O'Connor, Ruel, Sackett, Schreiber, Donald Smith, Torrey and Valley.

SULLIVAN: Frizzell, Lewko, Lucas, Spaulding, Sara Townsend and Tucker and the motion was adopted.

SB 8, providing for the cy pres of cemetery trust funds. Ought to pass. Rep. Raymond K. Conley for Statutory Revision.

SB 8 states that when municipalities have excess funds in cemetery trust accounts, the trustees of the municipalities may petition superior court re allocation of cemetery trust funds to maintain or expand cemeteries through the judicial proceeding of cy pres. Committee vote was unanimous. Ordered to third reading.

#### COMMUNICATION

May 12, 1977

Mr. James A. Chandler, Clerk  
House of Representatives

Dear Mr. Chandler:

On May 12, 1977, the following representative-elect appeared before the Governor and Council and was sworn into office:

Merrimack County District No. 20  
(Concord - Ward 7)  
Nancy Pardy, Concord (7 Fernrock St.)  
Sincerely,  
William M. Gardner  
Secretary of State

The Assistant Clerk read the communication.

The Speaker introduced Rep. Pardy.

#### COMMITTEE ASSIGNMENT

Rep. Pardy on Labor, Human Resources and Rehabilitation.

The Speaker called for the Special Order.

HB 596, amending the real estate transfer tax. Ought to Pass with Amendment. (Ways and Means)

This bill establishes a \$20. fee on each real estate transfer. It is estimated the fee will raise \$800,000 in new revenue for the general fund. The vote of the committee was unanimous.

#### Amendment

Amend RSA 78-B:1 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

78-B:1 Transfer Tax. A tax is imposed upon the sale, granting and transfer of real estate or any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is \$.15 per \$100, or fractional part thereof, of the full and true value of such real estate or any interest therein which shall be greater of the current assessed valuation as equalized by the department of revenue administration or the price or consideration for such sale, grant or

transfer. Notwithstanding the foregoing provisions, there shall be no tax as exempted by section 2 of this chapter. Thirty-three and one-third percent of the funds derived from the imposition of this tax will be paid over to the treasurer and reserved for the use of the water supply and pollution control commission in administering the provisions of RSA 149-E. Funds which may accrue and which are in excess of the legislative appropriation made for the administration of RSA 149-E shall be transferred to the general fund.

Amend section 5 of the bill by striking out the same and inserting in place thereof the following:

5 Additional Recording Fee. Amend RSA 78-B by inserting after section 8 the following new section:

78-B:9 Recording Fee. In addition to any other recording fees authorized by any statute, each register of deeds shall collect a fee of \$20 for each deed or other instrument recorded with him by which real estate or any interest therein is sold, granted, assigned, or otherwise transferred except deeds or other instruments representing transfers exempt from the tax imposed by RSA 78-B:1. The additional recording fees imposed by this section shall be credited against the tax imposed by RSA 78-B:1 and shall be distributed in the same manner as said tax. The commissioner of revenue administration is authorized to make such rules and regulations as may be necessary for the administration of this section.

6 Effective Date. This act shall take effect 60 days after its passage.

Question being on the adoption of the amendment.

On a voice vote the Speaker was in doubt and requested a division.

80 members having voted in the affirmative and 228 in the negative, the amendment lost.

(Rep. Marshall French in the Chair)

Rep. McLane spoke to the bill.

Rep. McLane offered an amendment as

#### Amendment

Amend the bill by striking out sections 1 through 4 and inserting in place thereof the following:

1 Real Estate Transfer Tax. Amend RSA 78:1 (supp) as inserted by 1967, 320:1 as amended by striking out said section and inserting in place thereof the following:

78-B:1 Transfer Tax.

1. A tax is imposed upon the sale, granting and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is \$.20 per \$100, or fractional part thereof, of either (a) the price or consideration for such a sale, grant or transfer or (b) the current equalized assessed valuation of such real estate, whichever is greater. Notwithstanding the

foregoing provisions, there shall be no tax as exempted by RSA 78-B:2.

II. The term "current assessed valuation" shall be determined by dividing the current assessed valuation of such real estate by the current equalized valuation rate as determined pursuant to RSA 71-B:5 applicable to the city, town or other place in which such real estate is located.

III. Twenty-five percent of the funds derived from the imposition of this tax will be paid over to the treasurer and reserved for the use of the water supply and pollution control commission in administering the provisions of RSA 149-E. Funds which may accrue and which are in excess of the legislative appropriation made for the administration of RSA 149-E shall be transferred to the general fund.

2 Statement Required. Amend RSA 78-B:4 as inserted by 1967, 320:1 by striking out said section and inserting in place thereof the following:

I. It is the duty and obligation of each purchaser, grantee, assignee, transferee or other person purchasing or acquiring any real estate or any interest therein to buy and attach to the instrument by which the real estate or interest therein is sold, granted, assigned or otherwise transferred stamps or in lieu thereof other indicia as approved by the department of revenue administration, in such amount as will indicate the full consideration paid for the real estate or any interest therein, acquired by him.

II. It is the duty and obligation of each seller, grantor, assignor, transferor or other person selling or transferring any real estate or any interest therein to include in the instrument by which the real estate or interest therein is sold, granted, assigned or otherwise transferred a statement setting forth the current equalized assessed valuation of such real estate.

3 Recording. Amend RSA 78-B:6 as inserted by 1967, 320:1 by striking out said section and inserting in place thereof the following:

78-B:6 Recording. The stamps or other indicia of payment of the tax imposed by this chapter shall be attached to the deed, assignment or other instrument in writing and the instrument shall bear the statement required by RSA 78-B:4 II or a statement that the transaction is not subject to the tax imposed by this chapter, before recording same.

4 False Statements. Amend RSA 78-B:7 (supp) as inserted by 1967, 320:1 as amended by striking out said section and inserting in place thereof the following:

78-B:7 False Statements. If any seller, grantor, assignor, transferor, purchaser, grantee, assignee, transferee or other person or corporation transferring or acquiring any real estate or an interest therein falsely states in writing upon any instrument to be recorded the current equalized assessed valuation of such real estate or that no stamps are

required, or attaches to the instrument an amount of stamps that indicate a purchase price or consideration less than that actually paid by him, he shall be guilty of a misdemeanor.

Question being on the adoption of the floor amendment.

Reps. Eugene Daniell and Elmer Johnson spoke in favor of the amendment.

Rep. Quimby spoke to the amendment.

Rep. Wallin and Richard Hanson spoke against the amendment.

(Speaker in the chair)

Rep. Griffin moved the previous question. Sufficiently seconded. Adopted.

A quorum count was requested.

The Speaker declared a quorum present.

A roll call was requested.

Sufficiently seconded.

(Speaker presiding)

YEAS 195 NAYS 154

YEAS 195

BELKNAP: Ambrose, Marshall French, Michael Hanson, Lawton, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Matson, Moore, Parker, Margaret Ramsay, Slack, Vrakatitsis and Whipple.

COOS: Horton, Huggins, Patenaude, Poulin and Willey.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Copenhaver, Dearborn, Myrl Eaton, Gemmill, Hough, Neil McIver, Rounds, Snell, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Baker, Bernier, Wilfrid Boisvert, Brack, Bridges, Brody, Burke, Carswell, Coburn, Corser, Coughlin, Clyde Eaton, Nancy Gagnon, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Karnis, Keefe, Knight, Levesque, Madigan, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Normand, Kerry O'Connor, O'Neil, Paradis, Pelletier, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Soucy, St. George, Stylianos, Van Loan, Geraldine Watson, Welch, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Eugene Daniell, Foley, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, Mullin, Packard, Ralph, Rich, Doris Riley, Shepard, Stefanides, Stockman, Tarr and Doris Thompson.



ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Blake, Cunningham, Cutcliffe, Danforth, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Gaskill, Goff, Gould, Hartford, Kane, King, Lovejoy, Joseph MacDonald, Nelson, O'Keefe, Parr, Pucci, Quimby, Richards, Rogers, Sanborn, Schwaner, Skinner, Stratton and Webster.

STRAFFORD: Appleby, Burchell, Donnelly, Bruce French, Charles Grassie, James Herchek, Joncas, Joos, Lefavour, Maloomian, Meader, Nadeau, Osgood, Dennis Ramsey, Donald Smith, Torrey, Tripp and Voll.

SULLIVAN: Barrus, Frizzell, Gray, Ingram, Lewko, Lucas, Spaulding, Sara Townsend, Tucker and George Wiggins.

NAYS 154

BELKNAP: Beard, Bowler, Gary Dionne, Coyette, Hildreth and Nighswander.

CARROLL: Claflin.

CHESHIRE: Dostilio, Ladd, Lynch, Marshala, Proctor, Russell, Terry and Terry Wiggin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Hunt, Keough, George Lemire, Oleson, Theriault, Alcide Valliere, Wiswell, Neila Woodward and York.

GRAFTON: Chambers, Cornelius, Crory, Duhaime, Logan, Mann, McAvoy, Pepitone and Stomberg.

HILLSBOROUGH: Arnold, Barrett, Bednar, Albert Bellemore, Bosse, Colson, Mark Connolly, Joseph Cote, Margaret Cote, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Girolimon, Daniel Healy, George Healy, Kaklamanos, Lachance, Lamy, LaPlante, Lyons, Marcoux, Martin, Martineau, McGlynn, Nemzoff-Berman, Timothy O'Connor, Orcutt, Plomaritis, Quigley, Record, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Spirow, Stahl, Francis Sullivan, Kevin Sullivan, Harold Thomson, Wallace, Wallin, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Camache, Richard Hanson, McNichol, Pardy, Pelton, Plourde, Pratt, Rice, Gerald Smith, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Cummings, Davis, Dunfey, Felch, Ganley, Greene, Grieco, Griffin, Hoar, Kashulines, Laycock, Donna McEachern, Joseph McEachern, Niebling, Norton, Parolise, Anthony Randall, Rossley, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Helen Wilson, Wojnowski and Wolfsen.

STRAFFORD: Canney, Walter Desmarais, Hebert, Dianne Herchek, Kelly, Lessard, Maglaras, Rod O'Connor, Preston, Ruel, Sackett, Schreiber, Valley, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Desnoyer, LeBrun and Scott, and the amendment was adopted.

Rep. Gary Dionne moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. McLane, George Wiggins and Elmer Johnson spoke against the motion.

Rep. Wallin spoke in favor of the motion.

Motion lost.

Question being on the adoption of the committee report, a roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 207 NAYS 143

YEAS 207

BELKNAP: Ambrose, Beard, Marshall French, Michael Hanson, Lawton, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Marshala, Matson, Moore, Parker, Margaret Ramsay, Slack, Vrakatitsis and Whipple.

COOS: Fortier, Bradley Haynes, Horton, Huggins, Patenaude, Poulin, Theriault and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Logan, McAvoy, Neil McIver, Rounds, Snell, Taffe, Taylor, Glynetta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Aubut, Baker, Belanger, Wilfrid Boisvert, Bosse, Brack, Bridges, Brody, Burke, Carswell, Coburn, Corser, Coughlin, Coutermarsh, Clyde Eaton, Joseph Eaton, Granger, Cort Hansen, Head, Heald, George Healy, Howard Humphrey, Karnis, Keefe, Knight, Levesque, Madigan, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Kerry O'Connor, Pelletier, Arnold Perkins, Peters, Podles, Polak, Henry Richardson, Soucy, Stylianos, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Welch, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Chandler, Eugene Daniell, Foley, James Humphrey, Polly Johnson, Kidder, LaBonte, McLane, Mullin, Packard, Plourde, Rich, Doris Riley, Shepard, Stefanides, Stockman, Tarr, Doris Thompson, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Aller, Barka, Benton, Bisbee, Blake, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Gaskill, Goff, Gould, Kane, King, Lovejoy, Joseph MacDonald, Nelson, Norton, Parr, Quimby, Richards, Sanborn, Scamman, Schwaner, Skinner, Stratton, Webster and Helen Wilson.

STRAFFORD: Appleby, Burchell, Donnelly, James Herchek, Joncas, Joos, Lefavour, Maloomian, Meader, Nadeau, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Frizzell, Gray, Ingram, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

#### NAYS 143

BELKNAP: Bowler, Gary Dionne, Goyette, Hildreth and Nighswander.

CHESHIRE: Dostilio, Ladd, Lynch, Proctor, Russell, Terry and Terry Wiggin.

COOS: Burns, Cooney, Hunt, Keough, George Lemire, Oleson, Alcide Valliere, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Mann, Pepitone, Stomberg and Michael Woodard.

HILLSBOROUGH: Arnold, Barrett, Bednar, Albert Bellemore, Bernier, Colson, Mark Connolly, Joseph Cote, Margaret Cote, Cullity, Currier, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Dreniak, Dupont, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Daniel Healy, Kaklamanos, Lachance, Lamy, LaPlante, Lyons, Marcoux, Martin, Martineau, McGlynn, Nemzoff-Berman, Timothy O'Connor, O'Neil, Orcutt, Plomaritis, Quigley, Record, Seamans, Simard, Sing, Edward Smith, Leonard Smith, St. George, Stahl, Francis Sullivan, Kevin Sullivan, Wallin, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Gamache, Richard Hanson, Donna MacIvor, McNichol, Pardy, Pelton, Pratt, Ralph, Rice, Gerald Smith, Trachy and Robert Watson.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Cummings, Dunfey, Felch, Canley, Greene, Grieco, Griffin, Hartford, Hoar, Kashulines, Laycock, Donna McEachern, Joseph McEachern, Niebling, O'Keefe, Parolise, Pucci, Anthony Randall, Rogers, Rossie, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Wojnowski and Wolfsen.

STRAFFORD: Canney, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Dianne Herchek, Kelly, Lessard, Maglaras, Rod O'Connor, Schreiber, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Desnoyer and LeBrun, and the committee report was adopted.

Referred to Appropriations.

Rep. LaMott wished to be recorded in favor of the committee report on HB 596.

HB 544, increasing the real estate transfer tax; dedicating the increased revenue to open space land protection; and providing for the protection of open space land. Refer to the Committee on Ways and Means for Interim Study. Rep. Elmer Johnson for Ways and Means.

The concept of this bill is valuable but the funding method does not exist at the present time. The Committee wishes to keep this bill for further study. Committee vote was unanimous. Adopted.

The Speaker called for the Special Order.

HB 650, amending the property tax laws relative to land, buildings and personal property of the state, cities, towns, school districts and village districts. (Killed May 4)

Question being, reconsideration of HB 650.

Reps. McLane, Erler, Quimby and Laurent Boucher spoke in favor of the motion.

Reps. Splaine and Spiro spoke against the motion.

A roll call was requested.

Sufficiently seconded.

(Speaker presiding)

YEAS 170 NAYS 178

YEAS 170

BELKNAP: Beard, Gary Dionne, Marsh, Morin, James Murray and Sabbow.

CARROLL: Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Chase, Dostilio, Fillback, Anne Gordon, Irvin Gordon, Elmer Johnson, Krause, Ladd, Marshala, Matson, Moore, Parker and Margaret Ramsay.

COOS: Bradley Haynes, Horton, Huggins, Hunt, Oleson, Patenaude and Mabel Richardson.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, Hough, Logan, McAvoy, Neil McIver, Rounds, Stomberg, Taylor, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ahern, Ainley, Baker, Belanger, Bernier, Brody, Burke, Coburn, Mark Connolly, Margaret Cote, Catherine-Ann Day, Arline Dion, Clyde Eaton, Granger, Cort Hansen, Head, Heald, Howard Humphrey, Karnis, Knight, Martin, Martineau, Miller, Morgan, Morrison, Fred Murray, Kerry O'Connor, Orcutt, Arnold

Perkins, Peters, Podles, Polak, Henry Richardson, Seamans, Soucy, Harold Thomson, Van Loan, Wallin, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Foley, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Packard, Rich, Doris Riley, Stockman, Tarr, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Barka, Bisbee, Blake, Cutliffe, Danforth, Davis, Robert Day, Erler, Flanagan, Beverly Gage, Gaskill, Gould, Greene, Hoar, King, Joseph McEachern, Nelson, Niebling, Norton, Parr, Pucci, Quimby, Sanborn, Scamman, Schwaner, Skinner, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Joncas, Kelly, Lefavour, Maloomian, Meader, Nadeau, Osgood, Dennis Ramsey, Ruel, Donald Smith, Torrey, Tripp, Valley and Voll.

SULLIVAN: Barrus, Gray, Ingram, Lewko, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins.

#### NAYS 178

BELKNAP: Ambrose, Bowler, Marshall French, Goyette, Michael Hanson, Hildreth, Nighswander and Kenneth Randall.

CARROLL: Roderick Allen, Claflin and Towle.

CHESHIRE: Close, Daniel Eaton, Galloway, Hogan, Lynch, Proctor, Russell, Slack, Terry, Vrakatitsis and Terry Wiggan.

COOS: Burns, Cooney, Fortier, Keough, George Lemire, Poulin, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Copenhaver, Cornelius, Crory, LaMott, Mann, Pepitone, Snell, Taffe and Michael Woodard.

HILLSBOROUGH: Arnold, Aubut, Barrett, Bednar, Albert Bellemore, Wilfrid Boisvert, Bosse, Brack, Bridges, Carswell, Colson, Corser, Joseph Cote, Coughlin, Coutermarsh, Cullity, Currier, William Desmarais, Drewniak, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Daniel Healy, George Healy, Kaklamanos, Keefe, Lachance, LaPlante, Levesque, Lyons, Madigan, Marcoux, McGlynn, McLaughlin, Nardi, Nemzoff-Berman, Normand, Timothy O'Connor, O'Neil, Paradis, Pelletier, Plomaritis, Quigley, Record, Simard, Edward Smith, Leonard Smith, Spirou, St. George, Stylianos, Francis Sullivan, Kevin Sullivan, Geraldine Watson, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Gamache, Hess, Mullin, Pardy,

Pelton, Plourde, Pratt, Ralph, Rice, Shepard, Gerald Smith, Stefanides, Doris Thompson, Trachy, Waters and Robert Watson.

ROCKINGHAM: Aeschliman, Aller, Benton, Blanchette, Carpenito, Collins, Connors, Cotton, Cummings, Cunningham, Dunfee, Felch, Carl Gage, Canley, Coff, Griffin, Hartford, Kane, Kashulines, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, O'Keefe, Parolise, Anthony Randall, Richards, Rogers, Rossley, Alfreda Smith, Splaine, Stimmell and Wojnowski.

STRAFFORD: Appleby, Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Maglaras, Rod O'Connor, Preston, Sackett, Schreiber, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Desnoyer, LeBrun and Lucas, and reconsideration lost.

#### COMMITTEE REPORTS (cont'd)

HB 616, increasing certain fees charged by state agencies. Ought to Pass with Amendment. Rep. McLane for Ways and Means.

This bill raises the cost of fees and licenses charged by 109 state agencies. Some of these fees have not been adjusted for over ten years. It is estimated \$800,000 will accrue to the General Fund yearly and \$700,000 to the Highway Fund. A portion of such revenues has been requested by some agencies.

#### Amendment

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Barbers Fees. Amend RSA 313:19 as amended by striking out said section and inserting in place thereof the following: 313:19 Fees.

I. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is \$15.

II. The fee to be paid by an applicant for a certificate of registration to practice as an apprentice is \$6.

III. The fee to be paid for the renewal of a certificate of registration to practice barbering is \$15.

IV. The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$6.

V. The fee for a license to operate a barbershop is \$15 and the renewal of the license is \$15. The fee for shop licenses that require a special inspection, such as a new barbershop, change of barbershop location or change of barbershop ownership, is \$25 in the first instance, including the license, and \$15 for the renewal. The license shall run from June 30 in each off year, and the fee is payable to the secretary of the board.

VI. The fee for a duplicate copy of an existing license is \$2.



Amend the bill by striking out section 33 and inserting in place thereof the following:

33 Passenger Tramway Safety Fees. Amend RSA 225-A:16 (supp) as inserted by 1957, 254:1 as amended by striking out said section and inserting in place thereof the following:

225-A:16 Fees. The application for registration shall be accompanied by the following annual fees, provided however, that when an operator operates either a chair lift, skimobile, gondola or aerial tramway during both a winter and summer season, the annual fee shall be one and one half the amount shown for that respective lift.

I. Aerial tramway	\$350
II. Gondola	350
III. Skimobile	200
IV. Chair lift	200
V. Platter pull	100
VI. J-Bar	100
VII. T-Bar	100
VIII. Wire rope tow	75
IX. Rope Tow	35

Amend the bill by striking out section 40 and inserting in place thereof the following:

40 Architects Applications. Amend RSA 310:20 (supp) as amended by striking out said section and inserting in place thereof the following:

310:20 Application and Registration Fees. Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath showing the applicant's education and detailed summary of his practical experience, and shall contain not less than 5 references, of whom 3 or more shall be architects having a personal knowledge of his architectural experience. The registration for the registered architects shall be \$135, \$100 of which shall accompany the application and the remaining \$35 shall be paid upon issuance of the certificate. The registration fee for an applicant who meets the requirements of RSA 310:12, I, (b) shall be \$135, \$75 of which shall accompany the application and the remaining \$60 shall be paid upon issuance of the certificate. The registration fee for non resident architect licensed to practice architecture in another state shall be \$270. Application to take the qualifying examination by a candidate who meets the requirements of RSA 310:12, I (c) shall be accompanied by a fee of \$75. Should the board deny the issuance of a certificate of registration to any applicant the initial fee deposited shall not be returned.

Amend RSA 350-A:3, IV as inserted by section 43 of the bill by striking out same and inserting in place thereof the following:

IV. A statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the identical form thereof or in such near resemblance

thereto as might be calculated to deceive or to be mistaken therefor.

The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

The application shall be accompanied by a specimen or facsimile of such mark in triplicate.

The application for registration shall be accompanied by a filing fee of \$20 payable to the secretary of state.

Amend RSA 326-B:11, I, II, III, IV and V as inserted by section 47 of the bill by striking out same and inserting in place thereof the following:

I. Each person applying for a certificate of registration as a registered nurse by examination or endorsement shall pay to the commissioner of education a fee of not less than \$30 and no more than \$60 as determined yearly by the board.

II. Each person applying for a certificate of registration as a licensed practical nurse by examination or endorsement shall pay not less than \$25 and not more than \$50 as determined yearly by the board.

III. The biennial renewal fee for the registered nurse shall be \$10 effective on renewal birth anniversaries from January 1, 1978.

IV. The biennial renewal fee for the licensed practical nurse shall be \$8 for renewal on birth anniversaries from January 1, 1978.

V. The fee for initial certification as an advanced registered nurse practitioner shall be \$10; the fee for biennial renewal of certification shall be \$5.

Amend RSA 249-B:9 as inserted by section 56 of the bill by striking out same and inserting in place thereof the following:

249-B:9 License Fees. The annual license fee is \$35 to be paid at the time the application is made and annually thereafter on April 1 in the event of renewal. If the application is not granted, the fee shall be returned to the applicant. All fees shall be deposited in the highway fund.

Amend RSA 376:25 as inserted by section 59 of the bill by striking out same and inserting in place thereof the following:

376:25 Fees. There shall be paid to the division of motor vehicles, the following fees:

I. For each application for common or contract carrier of passengers for which a certificate or permit is issued pursuant to sections 4 or 7, \$2;

II. For each application for common or contract carriers of passengers for which a certificate or permit is issued pursuant to sections 5 or 8, \$25;

III. For the annual registration of each truck (interstate, common or contract carriers), \$5;

IV. For the annual registration of each vehicle used in common carriage of passengers, \$15;



V. For the annual registration of each vehicle used in contract carriage of passengers unless registered for use as a common carrier, \$10;

VI. For each transfer of a motor vehicle registration certificate of a common or contract carrier of passengers, \$1.

Amend the bill by striking out section 60 and inserting in place thereof the following:

60 Ambulance License Fees. Amend RSA 151-B:15, VIII (supp) as inserted by 1971, 479:1 by striking out said paragraph and inserting in place thereof the following:

VIII. FEES. The director may charge a license fee of not over \$25 for a license for an ambulance service; \$10 for a vehicle license; and \$5 for a driver or driver-attendant license.

Amend the bill by striking out section 61 and inserting in place thereof the following:

61 Small Loan Examination Fee. Amend RSA 399-A:20, III as inserted by 1961, 245:1 by striking out said section and inserting in place thereof the following:

III. For the purpose of this section, the commissioner or his duly authorized representative shall have and be given free access to the office and places of business, files, safes and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation or hearing, and shall have authority to require the production of books, accounts, papers and records of such persons, and shall require from each such licensee examined a sum equal to the produce of the average daily rate of pay of all examining personnel employed in making examinations, multiplied by the number of man days devoted to the examination of the particular licensee, provided, however, that no such licensee shall be charged or pay less than one full day.

Amend RSA 181:28 as inserted by section 77 of the bill by striking out same and inserting in place thereof the following:

181:28 Fee for Certificate. The fee for a certificate of approval of a manufacturer without the state shall be \$750 per annum, and for an importer shall be \$750 per annum for each manufacturer of beverages sold or offered for sale by such importer to any wholesale permittee or permittees for resale within the state. The fee for a certificate of approval shall accompany the application for such certificate.

Amend RSA 422:37, III as inserted by section 83 of the bill by striking out same and inserting in place thereof the following:

III. For each aircraft, other than an unpowered glider, owned by a resident; \$30.

Amend RSA 422:37, IX by section 83 of the bill by striking out same and inserting in place thereof the following:

IX. For each aircraft dealer's registration certificate for ferrying and demonstration purposes, \$75.

Amend the bill by striking out sections 90 through 96 and inserting in place thereof the following:

90 Inspection Sticker Fee. Amend RSA 260:15 (supp) as amended by striking out same and inserting in place thereof the following:

260:15 --Fee. The fee for inspection stickers shall be \$.65 for each sticker furnished an approved inspection station. All unused stickers returned by the approved inspection station to the division of motor vehicles shall be refundable at the rate of \$.65 each.

91 Transfer Fee Increased. Amend RSA 262:1, VII by striking out said paragraph and inserting in place thereof the following:

VII. For the substitution of the registration of a motor vehicle, trailer, semi-trailer, or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered, \$5.

92 Additional Plate Fee. Amend RSA 262:4 (supp) as amended by striking out said section and inserting in place thereof the following:

262:4 Additional Plates. For every additional number plate furnished to replace such as have been lost or mutilated, or which are illegible, the director shall collect \$2.00; for every additional pair of number plates furnished to a manufacturer of or dealer in motor vehicles other than motorcycles or mopeds whose business requires more than 3 pairs of such plates, \$15; for every set of temporary number plates furnished to a manufacturer or dealer, \$.50; and for every additional pair of number plates furnished to a manufacturer of or dealer in motorcycles or mopeds whose business requires more than 3 pairs of such plates, \$5.

93 Duplicate License Fee. Amend RSA 262:11, V (supp) as inserted by 1973, 21:1 by striking out said paragraph and inserting in place thereof the following:

V. A duplicate copy of a photographic license, may be issued for a fee of \$3.50. For the purpose of this chapter, the term "duplicate copy" shall mean an additional license so marked containing a new photograph made when the additional license is obtained.

94 Certified Copy Fee. Amend RSA 262:11, III, by striking out said paragraph and inserting in place thereof the following:

III. For every certified copy of a certificate of registration or license, \$3.50.

95 License Fee. Amend RSA 263-A:2 by striking out said section and inserting in place thereof the following:

263-A:2 License Required; Fee, Term, Renewal. No person shall engage in the business of conducting a drivers' school without being licensed therefor by the director of the division of motor

vehicles. Application therefor shall be in writing and contain such information therein as he shall require. If the application is approved, the applicant shall be granted a license upon the payment of a fee of \$200; provided, however, that no license fee shall be charged for the issuance of a license to any board of education, school board, public, private or parochial school, which conducts a course in driver education, approved by the state department of education. A license so issued shall be valid during the calendar year. The annual fee for renewal shall be \$100. The director shall issue a license certificate or license certificates to each licensee, one of which shall be displayed in each place of business of the licensee. In the case of loss, mutilation or destruction of a certificate, the director shall issue a duplicate upon proof of the facts and the payment of a fee of \$1.

96 Road Toll Fees. Amend RSA 265:22, III, (supp) as amended by striking out said paragraph and inserting in place thereof the following:

III. Every user shall procure a user's license for each motor vehicle propelled by such fuel, which will expire on July 1 of each year, on such forms as the director may prescribe at a fee of \$3. However, the director shall waive the fee if the vehicle is registered in this state. It shall be unlawful for any owner or operator to operate or cause to be operated any motor vehicle propelled by such fuel over the public highways of this state unless he is the holder of a valid user's license or has been granted authority to operate on a temporary basis as provided in paragraph III-a.

Amend the bill by striking out section 97 and renumbering sections 98 through 105 to read as:

97, 98, 99, 100, 101, 102, 103, and 104 respectively.

Amend the bill by striking out section 106 and renumbering sections 107 through 112 to read as:

105, 106, 107, 108, 109, and 110 respectively.

Amend the bill by striking out section 113 and inserting in place thereof the following:

111 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Reps. Marshall French and Nighswander spoke against the committee report.

Rep. French moved that HB 616 be laid upon the table.

Rep. Aldrich requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 176 NAYS 168

YEAS 176

BELKNAP: Beard, Bowler, Marshall French, Goyette, Lawton and Nighswander.

CARROLL: Dickinson and Found.

CHESHIRE: Close, Dostilio, Fillback, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Proctor, Russell, Slack and Terry Wiggin.

COOS: Cooney, Fortier, Bradley Haynes, Horton, Hunt, Keough, Oleson, Patenaude, Poulin, Thierault, Willey and York.

CRAFTON: Ira Allen, Clark, Copenhaver, Crory, Duhaime, Logan, Mann, McAvoy, Neil McIver, Pepitone, Stomberg, Taffe and Michael Woodward.

HILLSBOROUGH: Ainley, Arnold, Barrett, Albert Bellemore, Bernier, Carswell, Colson, Mark Connolly, Corser, Joseph Cote, Coughlin, Coutermarsh, Cullity, Currier, Catherine-Ann Day, William Desmarais, L. Penny Dion, Dreniak, Dupont, Nancy Gagnon, Girolimon, Cort Hansen, Daniel Healy, Kaklamanos, Keefe, Lachance, LaPlante, Marcoux, Martin, McGlynn, McLaughlin, Morgan, Morrison, Nemzoff-Berman, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pelletier, Quigley, Record, Seamans, Simard, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Francis Sullivan, Harold Thomson, Geraldine Watson, Emma Wheeler, James White, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bibbo, Blakeney, Bodi, Eugene Daniell, Gamache, Richard Hanson, Donna MacIvor, McNichol, Mullin, Packard, Pelton, Plourde, Pratt, Ralph, Rice, Rich, Gerald Smith, Stefanides, Doris Thompson, Trachy, Ernest Valliere, Waters and Robert Watson.

ROCKINGHAM: Akerman, Aller, Blake, Blanchette, Carpenito, Cummings, Cunningham, Erler, Canley, Gaskill, Greene, Hartford, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, O'Keefe, Parolise, Pucci, Richards, Rogers, Rossley, Scamman, Skinner, Alfreda Smith, Stimmell, Tavitian and Vlack.

STRAFFORD: Burchell, Canney, Walter Desmarais, Bruce French, Charles Grassie, Hebert, Joos, Kelly, Lessard, Maloomian, Meader, Nadeau, Preston, Ruel, Schreiber, Valley, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Lucas, Spaulding and Sara Townsend.

NAYS 168

BELKNAP: Ambrose, Cary Dionne, Michael Hanson, Hildreth, Marsh, Morin, James Murray, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Daniel Eaton, Galloway, Hogan, Elmer Johnson, Matson, Moore, Parker, Margaret Ramsay, Vrakatitsis and Whipple.

COOS: Burns, Huggins, George Lemire, Mabel Richardson, Alcide Valliere, Wiswell and Neila Woodward.

CRAFTON: Aldrich, Buckman, George Cate, Cornelius, Myrl Eaton, Gemmill, Hough, LaMott, Rounds, Snell, Taylor and Glyneta Thomson.

HILLSBOROUGH: Ahern, Aubut, Baker, Bednar, Belanger, Wilfrid Boisvert, Brack, Burke, Coburn, Margaret Cote, Arline Dion, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinas, Granger, Head, Heald, George Healy, Howard Humphrey, Karnis, Knight, Levesque, Madigan, Martineau, Miller, Fred Murray, Nardi, Normand, Paradis, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Henry Richardson, Sing, St. George. Stylianos, Kevin Sullivan, Van Loan, Wallin, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Bellerose, Laurent Boucher, Carroll, John Cate, Milton Cate, Chandler, Foley, Hess, James Humphrey, Kidder, LaBonte, McLane, Pardy, Doris Riley, Shepard, Stockman, Tarr and Wiviott.

ROCKINGHAM: Barka, Benton, Bisbee, Collins, Connors, Cotton, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Goff, Gould, Griffin, Hoar, Kane, Kashulines, King, Nelson, Norton, Parr, Quimby, Sanborn, Schwaner, Splaine, Webster, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Appleby, Donnelly, Dianne Herchek, James Herchek, Joncas, Lefavour, Maglaras, Rod O'Connor, Osgood, Dennis Ramsey, Sackett, Donald Smith, Torrey, Tripp and Voll.

SULLIVAN: Barrus, Desnoyer, Gray, Ingram, LeBrun, Lewko, Palmer, Scott, Tucker and George Wiggins, and HB 616 was tabled.

Rep. Lyons wished to be recorded in favor of the motion to table.

HB 1102, imposing a gains tax on the sale of unimproved land held less than 6 years. Refer to the Committee on Ways and Means for Interim Study. Rep. Peters for Ways and Means.

An interesting concept, used now in Vermont, of taxing rapid turnover of land for development. But the bill needed much study and re-writing. Adopted.

HB 1103, relative to population calculation for rooms and meals tax purposes. Ought to Pass. Rep. McLane for Ways and Means.

Instead of the present confusing and varying criteria for rooms and meals distribution base, the bill calls for uniform use of the United States Census figures.

Rep. Marshall French moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Rep. McLane spoke against the motion.

Reps. Howard, Norton and Bridges spoke in favor of the motion.

Rep. Chandler moved the previous question. Sufficiently seconded. Adopted.

On a voice vote the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 151 NAYS 181

YEAS 151

BELKNAP: Beard, Marshall French, Lawton, Morin, Kenneth Randall and Sabbow.

CHARROLL: Clafin, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Hogan, Ladd, Marshala, Slack, Vrakatitsis and Terry Wiggin.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Theriault, Alcide Valliere and York.

CRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Logan, McAvoy, Pepitone, Rounds and Glyneta Thomson.

HILLSBOROUGH: Ainley, Baker, Barrett, Bednar, Bosse, Bridges, Burke, Coburn, Joseph Cote, Coughlin, Coutermarsh, Cullity, William Desmarais, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinas, Granger, Daniel Healy, George Healy, Howard Humphrey, Karnis, Lachance, Lamy, LaPlante, Levesque, Lyons, Martineau, McGlynn, McLaughlin, Timothy O'Connor, Orcutt, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Henry Richardson, Seaman, Simard, Sing, Soucy, Stylianos, Francis Sullivan, Sweeney, Geraldine Watson, Emma Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Bodi, Laurent Boucher, John Cate, Chandler, Richard Hanson, James Humphrey, Plourde, Pratt, Shepard, Gerald Smith, Stockman, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Beverly Gage, Gaskill, Griffin, Kashulines, King, Joseph McEachern, Niebling, Norton, Parolise, Pucci, Anthony Randall, Richards, Rogers, Skinner, Alfreda Smith, Stimmell, Tavitian and Wolfson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Hebert, Lefavour, Maglaras, Osgood and Preston.

SULLIVAN: Brodeur, Desnoyer, Ingram, LeBrun, Lewko, Scott, Spaulding and George Wiggins.



NAYS 181

(Speaker presiding)

YEAS 196 NAYS 138

YEAS 196

BELKNAP: Ambrose, Bowler, Gary Dionne, Marsh, James Murray and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Found and Kenneth Smith.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Krause, Lynch, Matson, Moore, Parker, Proctor, Russell, Terry and Whipple.

COOS: Cooney, Oleson, Poulin, Willey and Wiswell.

GRAFTON: Copenhaver, Cornelius, Neil McIver, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Aubut, Belanger, Albert Bellemore, Bernier, Brack, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Nancy Gagnon, Girolimon, Cort Hansen, Head, Heald, Kaklamanos, Keefe, Knight, Madigan, Martin, Miller, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Kerry O'Connor, O'Neil, Peters, Record, Edward Smith, Leonard Smith, St. George, Stahl, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Welch, Robert Wheeler, James White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Hess, Polly Johnson, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pardy, Pelton, Ralph, Rice, Rich, Doris Riley, Stefanides, Tarr, Trachy, Waters and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, Blanchette, Carpenito, Collins, Cutcliffe, Dunfey, Flanagan, Carl Gage, Ganley, Gould, Hartford, Hoar, Kane, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Nelson, O'Keefe, Quimby, Rossley, Sanborn, Schwaner, Splaine, Vlack, Webster, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Joncas, Joos, Kelly, Lessard, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Gray, Lucas and Sara Townsend, and the motion lost.

Rep. Parr wished to be recorded against the motion.

Question being on the adoption of the committee report, Ought to Pass.

On a voice vote the Speaker was in doubt and requested a roll call. Sufficiently seconded.

BELKNAP: Ambrose, Bowler, Gary Dionne, Marsh, James Murray and Kenneth Randall.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Elmer Johnson, Krause, Ladd, Lynch, Matson, Moore, Parker, Proctor, Russell, Terry and Whipple.

COOS: Cooney, Poulin and Wiswell.

GRAFTON: Buckman, Copenhaver, Cornelius, Neil McIver, Stomberg, Taffe, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Aubut, Bednar, Belanger, Albert Bellemore, Bernier, Brack, Brody, Carswell, Colson, Mark Connolly, Corser, Margaret Cote, Currier, Arline Dion, L. Penny Dion, Clyde Eaton, Nancy Gagnon, Girolimon, Cort Hansen, Head, Heald, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, Madigan, Martin, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Nemzoff-Berman, Kerry O'Connor, O'Neil, Peters, Record, Edward Smith, Leonard Smith, St. George, Stahl, Kevin Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Carroll, Milton Cate, Eugene Daniell, Foley, Gamache, Hess, James Humphrey, Polly Johnson, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pardy, Pelton, Ralph, Rice, Rich, Doris Riley, Stefanides, Tarr, Trachy, Ernest Valliere, Waters and Robert Watson.

ROCKINGHAM: Aeschliman, Akerman, Aller, Barka, Benton, Bisbee, Blake, Blanchette, Carpenito, Collins, Cutcliffe, Dunfey, Flanagan, Carl Gage, Ganley, Gaskill, Gould, Griffin, Hartford, Hoar, Kane, Lovejoy, Joseph MacDonald, Donna McEachern, Nelson, Niebling, O'Keefe, Parr, Quimby, Rossley, Sanborn, Schwaner, Splaine, Vlack, Webster, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, Donnelly, Bruce French, Charles Grassie, Dianne Herchek, James Herchek, Joncas, Joos, Kelly, Lessard, Maglaras, Maloomian, Meader, Morrisette, Nadeau, Rod O'Connor, Osgood, Dennis Ramsey, Ruel, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Barrus, Gray, Lucas and Sara Townsend.



NAYS 138

BELKNAP: Beard, Marshall French, Lawton, Morin and Sabbow.

CARROLL: Howard, Keller and Towle.

CHESHIRE: Hogan, Marshala, Slack, Vrakatitsis and Terry Wiggins.

COOS: Burns, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Oleson, Theriault, Alcide Valliere, Willey and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Clark, Crory, Dearborn, Duhaime, Myrl Eaton, Gemmill, Logan, McAvoy, Pepitone, Rounds and Glyneta Thomson.

HILLSBOROUGH: Ainley, Baker, Barrett, Bosse, Bridges, Burke, Coburn, Joseph Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Drewniak, Joseph Eaton, Gabrielle Gagnon, Gelinas, Granger, Daniel Healy, George Healy, Lachance, Lamy, LaPlante, Levesque, Lyons, Martineau, McGlynn, Timothy O'Connor, Orcutt, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Henry Richardson, Seamans, Simard, Sing, Soucy, Spirow, Stylianos, Francis Sullivan, Sweeney, Geraldine Watson, Cecelia Winn and John Winn.

MERRIMACK: Bodi, Laurent Boucher, John Cate, Chandler, Richard Hanson, Plourde, Pratt, Shepard, Gerald Smith, Stockman and Doris Thompson.

ROCKINGHAM: Connors, Cotton, Cummings, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Beverly Gage, Kashulines, King, Laycock, Joseph McEachern, Norton, Parolise, Pucci, Anthony Randall, Richards, Rogers, Skinner, Alfreda Smith, Stimmell, Tavitian and Wolfesen.

STRAFFORD: Appleby, Canney, Walter Desmarais, Hebert, Lefavour and Preston.

SULLIVAN: Brodeur, Desnoyer, Ingram, LeBrun, Lewko, Scott, Spaulding and George Wiggins, and the committee report was adopted.

Ordered to third reading.

HB 1104, changing the penalty for failure to file user of fuel reports with the road toll section. Ought to Pass. Rep. McLane for Ways and Means.

This bill changes the penalty for late filing of user of fuel reports from \$1 per day or 10% of the toll, whichever is greater, to a flat fee of \$10 per month and authorizes the Director of Motor Vehicles to abate for good cause. Ordered to third reading.

HB 568, establishing a tax relief program for the elderly based on property tax or rental expenditures and making an appropriation therefor. Majority: Inexpedient to Legislate. Minority: (Rep. Splaine) Ought to Pass.

Majority: This circuit-breaker concept is a fair and equitable way to give tax relief to the elderly, including renters. The entire bill is attached to HB 512, which provides the funding. But, standing alone, the 2.9 million per year cost cannot be funded. Minority: This "circuit-breaker" concept is excellent. It provides property tax relief to both homeowners and renters over age 65, and to widows and widowers over age 62, depending on a sliding scale and percentage formula tied into income and the amount of property taxes on the home or rental unit. A maximum claim of \$300 is provided, so the law cannot be abused, and procedures are detailed to assure only those deserving and in need would receive the relief.

If it is true that property tax relief for our senior citizens is a priority, then this bill should be sent to the Appropriations Committee in the event at least partial funding becomes available this year or next. The "circuit breaker" approach to property tax relief is in effect in more than half of the states in the nation, and we should go on record as committed to it as soon as our priorities and revenues allow. It can stand alone without being automatically tied into any other bill.

Rep. Splaine moved that the Minority report, Ought to Pass, be substituted for the Majority report, Inexpedient to Legislate, and spoke to his motion.

Rep. McLane spoke to the bill.

Rep. Lyons moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Question being on the adoption of the committee report, Inexpedient to Legislate. Resolution adopted.

HB 512, imposing a tax on resident and nonresident income to reimburse cities and towns for revenue lost because of tax exemptions and making and appropriation therefor. Majority: Refer to the Committee on Ways and Means for Interim Study. Rep. Splaine for Ways and Means. Minority: (Reps. Quimby, Wallin, Peters, Ahern, and McLane): Ought to Pass with Amendment.

Majority: The state may face a serious financial crisis. The Ways and Means Committee is obligated to offer solutions and alternatives. An income tax law takes much work to get input from community officials and to develop fair and equitable distribution formulas.

The Committee would like to have the chance to work on this legislation so a responsible alternative would be ready when and if ever required.

Minority: HB 512, as amended, provides relief in five areas: Cities and towns will share in a growth source of revenue restricted to them alone; the revenue will be distributed to the cities and towns in a fair and

equitable manner (amount estimated to be 70 million dollars per year); the state's budget will be funded by rooms and meals, business profits and other smaller taxes (estimated at 32 million per year); communities will be reimbursed for elderly property/rent tax relief via the "circuit breaker"; the interest and dividends tax and residents tax will be repealed.

Rep. Splaine explained the committee report.

Rep. Sackett explained the bill.

Reps. Joseph Eaton, Lawton and Kenneth Smith spoke against the committee report.

Rep. George Wiggins requested a quorum count.

The Speaker declared a quorum present.

Rep. Bridges spoke against the committee report.

Rep. Quimby moved that the Minority report, Ought to Pass with Amendment, be substituted for the Majority report, Refer to the Committee on Ways and Means for Interim Study, and spoke to his motion.

Rep. Marshall French spoke against the motion and the bill.

Rep. Quimby withdrew his motion.

Rep. Quimby moved that the words, Ought to Pass be substituted for committee report, Refer to the Committee on Ways and Means for Interim Study.

Adopted.

Rep. Lawton moved that HB 512 be indefinitely postponed and spoke to his motion.

Reps. Sara Townsend, Cunningham, Griffin, and Marshall French spoke against the motion.

Reps. Sabbow, Oleson, Marsh, Bednar and Coutermarsh spoke in favor of the motion.

Rep. Aeschliman requested a quorum count.

The Speaker declared a quorum present.

Reps. Tucker, Chambers, Wallin and Plourde spoke against the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted.

Rep. Bednar requested a call of the House.

Rep. Coutermarsh spoke against the request for a call of the House.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted.

Question being on the request for a call of the House.

Rep. Sweeney requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 16 NAYS 337

16

BELKNAP: Morin.

CARROLL: Dickinson

CHESHIRE: Dostilio.

COOS: Oleson and Mabel Richardson.

GRAFTON: Buckman, Clark, Myrl Eaton and Neil McIver.

HILLSBOROUGH: Joseph Eaton.

MERRIMACK: Chandler.

ROCKINGHAM: Aller, Blake and Carl Gage.

STRAFFORD: Appleby.

SULLIVAN: Ingram.

NAYS 337

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French Goyette, Michael Hanson, Hildreth, Lawton, Marsh, James Murray, Nighswander, Kenneth Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Found, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Chase, Close, Daniel Eaton, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Proctor, Margaret Ramsay, Russell, Slack, Terry, Vrakatitsis, Whipple and Terry Wigin.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, George Lemire, Patenaude, Poulin, Theriault, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, George Gate, Chambers, Copenhaver, Cornelius, Crory, Duhaime, Gemmill, Hough, LaMott, Logan, McAvoy, Pepitone, Rounds, Snell, Stomberg, Taffe, Taylor, Glyneta Thomson, Madeline Townsend and Michael Woodward.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Baker, Barrett, Bednar, Belanger, Albert Bellemore, Bernier, Wilfrid Boisvert, Bosse, Brack, Bridges, Brody, Burke, Carswell, Coburn, Colson, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Cullity, Catherine-Ann Day, William Desmarais, Arline Dion, L. Penny Dion, Drewniak, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Cort Hansen, Head, Heald, George Healy, Howard Humphrey, Kaklamanos, Karnis, Keefe, Knight, Lachance, Lamy, LaPlante, Levesque, Lyons, Madigan, Martin, Martineau, McGlynn, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Paradis, Pelletier, Arnold Perkins, Peters, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Seamans, Simard, Sing, Edward Smith, Leonard Smith, Soucy, St. George, Stylianos, Francis Sullivan, Kevin Sullivan, Sweeney, Harold Thomson,

Van Loan, Wallace, Wallin, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, James White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pardy, Plourde, Pratt, Ralph, Rice, Rich, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere, Waters, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Barka, Benton, Bisbee, Blanchette, Carpenito, Chapman, Collins, Connors, Cotton, Cummings, Cunningham, Cutcliffe, Danforth, Davis, Robert Day, Dunfey, Erler, Felch, Flanagan, Beverly Gage, Ganley, Gaskill, Goff, Gould, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, King, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Nelson, Niebling, Norton, O'Keefe, Parolise, Parr, Pucci, Quimby, Anthony Randall, Richards, Rogers, Rossley, Sanborn, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski and Wolfsen.

STRAFFORD: Burchell, Canney, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, Dianne Herchek, Joncas, Joos, Kelly, Lefavour, Lessard, Maglaras, Maloomian, Meader, Morrissette, Nadeau, Rod O'Connor, Osgood, Preston, Dennis Ramsey, Ruel, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, LeBrun, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Question being on the motion that HB 512 be indefinitely postponed.

(Speaker presiding)  
YEAS 188 NAYS 166  
YEAS 188

BELKNAP: Goyette, Hildreth, Lawton, Marsh, James Murray, Sabbow and Sanders.

CARROLL: Roderick Allen, Raymond Conley, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Daniel Eaton, Galloway, Hogan, Elmer Johnson, Moore, Slack, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Horton, Huggins, Keough, George Lemire, Oleson, Mabel Richardson, Theriault, Alcide Valliere, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Duhaime, Myrl Eaton,

Logan, McAvoy, Pepitone, Rounds, Snell, Taffe and Glyneta Thomson.

HILLSBOROUGH: Ainley, Aubut, Baker, Barrett, Bednar, Bernier, Wilfrid Boisvert, Bosse, Bridges, Burke, Mark Connolly, Joseph Cote, Coughlin, Coutermarsh, Cullity, William Desmarais, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Celinas, Girolimon, Granger, Head, Heald, Daniel Healy, George Healy, Howard Humphrey, Kaklamanos, Karnis, Lachance, Lamy, LaPlante, Levesque, Madigan, Martineau, McLaughlin, Morgan, Normand, Timothy O'Connor, Orcutt, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Record, Henry Richardson, Simard, Sing, Stylianos, Francis Sullivan, Kevin Sullivan, Sweeney, Harold Thomson, Welch, Emma Wheeler, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bodi, Laurent Boucher, John Cate, Chandler, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Plourde, Pratt, Ralph, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Doris Thompson, Ernest Valliere and Waters.

ROCKINGHAM: Akerman, Barka, Benton, Bisbee, Collins, Cummings, Cutcliffe, Danforth, Davis, Dunfey, Erler, Felch, Beverly Gage, Goff, Kashulines, King, Laycock, Joseph McEachern, Norton, Parolise, Parr, Pucci, Anthony Randall, Richards, Scamman, Schwaner, Skinner, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Dianne Herchek, Joncas, Joos, Maglaras, Maloomian, Meader, Nadeau, Osgood, Preston and Ruel.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, LeBrun, Lewko, Scott and George Wiggins.

NAYS 166

BELKNAP: Ambrose, Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Morin, Nighswander and Kenneth Randall.

CARROLL: Claflin and Found.

CHESHIRE: Chase, Close, Fillback, Anne Gordon, Irvin Gordon, Krause, Ladd, Lynch, Marshala, Matson, Parker, Proctor, Margaret Ramsay, Russell, Terry and Terry Wigin.

COOS: Fortier, Bradley Haynes, Hunt, Patenaude, Poulin, Willey and Wiswell.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Gemmill, Hough, LaMott, Neil McIver, Stomberg, Taylor, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Belanger, Albert Bellemore, Brack, Brody, Carswell,



Coburn, Colson, Corser, Margaret Cote, Catherine-Ann Day, Arline Dion, L. Penny Dion, Nancy Gagnon, Cort Hansen, Keefe, Knight, Lyons, Martin, McGlynn, Miller, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Kerry O'Connor, O'Neil, Peters, Seamans, Edward Smith, Leonard Smith, Soucy, St. George, Van Loan, Wallace, Wallin, Geraldine Watson, James White and M. Arnold Wight.

MERRIMACK: Bibbo, Blakeney, Carroll, Milton Cate, Eugene Daniell, Foley, Hess, Kidder, LaBonte, Donna MacIvor, McLane, McNichol, Mullin, Packard, Pardy, Rice, Rich, Tarr, Trachy, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Blake, Blanchette, Carpenito, Chapman, Connors, Cotton, Cunningham, Robert Day, Flanagan, Carl Gage, Ganley, Gaskill, Gould, Greene, Griffin, Hartford, Hoar, Kane, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, O'Keefe, Quimby, Rogers, Rossley, Sanborn, Alfreda Smith, Splaine, Stimmell and Wojnowski.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Kelly, Lefavour, Lessard, Morrisette, Rod O'Connor, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Torrey, Tripp, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Lucas, Palmer, Spaulding, Sara Townsend and Tucker, and HB 512 was indefinitely postponed.

Reps. Wallace and Willey notified the Clerk that they inadvertently voted nay, and wished to vote yea.

Reps. Pappas, Marcoux and Stratton wished to be recorded against HB 512.

Reps. Spirou, Zabarsky and Grieco wished to be recorded in favor of Interim Study on HB 512.

Reps. Stahl, Krasker, Emile Boisvert and Pelton wished to be recorded against Indefinite Postponement of HB 512.

SB 72, instructing the commissioner of resources and economic development to erect a commemorative marker on the Hampton harbor pier commemorating the Irving N. Jones family for contributions to commercial fishing. Ought to Pass. Rep. Tucker for Appropriations.

This bill causes the Irving N. Jones family to be properly recognized.

Rep. Norton offered an amendment.

#### Amendment

Amend the title by striking out same and inserting in place thereof the following:

#### AN ACT

instructing the commissioner of resources and economic development to erect a commemorative marker on the Hampton harbor pier commemorating the Irving F. Jones family for contributions to commercial fishing.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Marker to Be Erected. The commissioner of resources and economic development shall cause to be erected a suitable inscribed marker in a place where it may easily be seen by the public on the Hampton harbor pier commemorating the Irving F. Jones family for its contributions to the commercial fishing industry in Hampton. The costs of said marker shall be paid for out of the current expenses account of the department of resources and economic development.

The Assistant clerk read the amendment. Amendment adopted.

Ordered to third reading.

#### SUSPENSION OF RULES

Rep. McLane moved that the rules be so far suspended as to permit consideration without required notice of a committee report on HB 1001, relative to the fire service training, education and research program and funding same.

Motion lost.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 17, at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage SB 6, providing for a power of attorney which survives disability or incompetence of the principal.

SB 61, relative to the treatment of juveniles as adults in criminal cases.

HB 342, relative to deputy conservation officers.

HB 365, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor.

HB 426, revising the state tax on dog racing.

HB 436, revising the state tax on harness racing.

HB 437, relative to the payment of assistants and employees of the state racing commission.

HB 517, providing for the acquisition of a tract of land to be known as the Pine River state forest and making an appropriation therefor.

SB 27, revising the occupational regulations relating to barbering.

SB 65, relative to requiring certain information to be included in correspondence from state agencies.



SB 72, instructing the commissioner of resources and economic development to erect a commemorative marker on the Hampton harbor pier commemorating the Irving N. Jones Family for contributions to commercial fishing.

SB 8, providing for the cy pres of cemetery trust funds.

HB 1103, relative to population calculation for rooms and meals tax purposes.

HB 1104, changing the penalty for failure to file user of fuel reports with the road toll section.

339 members were recorded as present.

Reps. Marshall French, Coutermarsh, Chambers, Flourde and Lyons moved that the House adjourn.

Adopted.

The House adjourned at 7:05 p.m.

# HOUSE JOURNAL 36

*Tuesday, 17 May 77*

The House met at 1:00 p.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

"Lord, thank You for the joy of discovery and for occasionally allowing us to break through the fences of smaller mental pastures into larger ones through faith. Help us to begin looking at history, government, and economics as You see them - rather than seeing only the personal issues of life. Help us never to be ashamed of You or Your message which can transform our own experience of life. Give us a new dimension of freedom and courage to witness for You and Your will as we understand it. This is a frightening threshold, Lord, the future is uncertain. Please, give us Your hand. Amen!"

(Paraphrase of a Keith Miller prayer from *Habitation of Dragons*, page 128)

Rep. Felch led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Belhumeur, Forsaith Daniels, Burrows, William Boucher, Kenneth Randall, Dupont, Dunfee, Stratton, Orcutt, LeBrun and Waters, the day, illness.

Reps. Maurice Levesque, Mansfield, Watson, McLane, Sanborn, Chapman and Carl Gage, the day, important business.

## INTRODUCTION OF GUESTS

Ed McAnaney, Long Island, N. Y., Pre-med student at Holy Cross, guest of Rep. Carroll; Mrs. Baxter Foley, mother and guest of Rep. Foley; Mr. Emile Vaillancourt, selectman from Stoddard, guest of Rep. Daniel Eaton; Sixth grade class from St. John's School of Concord and teachers Mr. Murphy and Sister Rose Ann, guests of the House.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral  
SB 285, relative to the accelerated Federal-Aid highway construction program. (Public Works)

SB 308, including stairway inclined lifts and chair devices within the statutory definition of elevators. (Labor, Human Resources and Rehabilitation)

SB 288, relative to nursing home administrators. (Health and Welfare)

SB 232, relative to voting lists in the city of Manchester. (Statutory Revision)

SB 238, relative to waiving competitive bidding for the city of Manchester under certain conditions. (Municipal and County Government)

SB 269, relative to school committee elections in the city of Manchester. (Education)

SB 231, relative to changing party affiliation in Manchester. (Statutory Revision)

SB 255, relative to female lobsters. (Fish and Game)

SB 248, restricting the taking of alewives and river herring. (Fish and Game)

SB 257, relative to commercial salt water fishing. (Fish and Game)

SB 185, relative to penalties for violation of fish and game offenses and repealing the taking of trout less than 6 inches in length. (Fish and Game)

SB 310, which changes certain laws which refer to game animals, game birds, furbearers and fish to the general category of wildlife. (Fish and Game)

SB 198, restricting boating on Pow Wow River in Kingston. (Resources, Recreation and Development)

SB 309, providing for the stamping and sale of skins. (Fish and Game)

SB 256, relative to the reporting of lobster catch. (Fish and Game)

SB 105, relative to registration fees for foreign non-profit corporations. (Claims, Military and Veterans Affairs)

SB 277, amending the state industrial development act and reclassifying a portion of Pennichuck brook. (Resources, Recreation and Development)

SB 205, exempting certain motor vehicles and building equipment from public highway weight, height and width limitations. (Transportation)

SB 223, relative to the winter maintenance of Diamond Pond road in the towns of Colebrook and Stewartstown. (Public Works)

SB 271, exempting certain governmental entities from the payment of motor vehicle road tolls. (Transportation)

SB 272, requiring notification of the owners of certain abandoned motor vehicles. (Transportation)

SB 283, relative to motor vehicles declared to be totally damaged. (Transportation)

SB 226, relative to credit life insurance and credit accident and health insurance. (Commerce and Consumer Affairs)

SB 227, relative to the expiration dates of licenses granted to insurance companies, agents and adjusters. (Commerce and Consumer Affairs)

SB 274, relative to licensing automobile insurance appraisers. (Commerce and Consumer Affairs)

SB 276, concerning the penalties for using unapproved insurance policy forms. (Commerce and Consumer Affairs)

SB 208, relative to prepaid legal insurance. (Commerce and Consumer Affairs)

SB 199, relative to failing to obey inspection requirements. (Transportation)

SB 193, permitting public service as an alternative sentence for conviction of certain crimes. (Judiciary)

SB 203, relative to the employment of attorneys to assist the Hillsborough county attorney. (Municipal and County Government)

SB 265, concerning the selection and exemption of jurors. (Judiciary)

SB 229, revising the laws of corporations. (Judiciary)

SB 40, repealing certain provisions currently included on tangible property inventory blanks. (Ways and Means)

SB 289, relative to the issuance of licenses to operators of golf, indoor tennis, racquet and curling clubs. (Regulated Revenues)

SB 211, permitting certain school districts to withdraw from supervisory union 53. (Education)

SB 218, concerning a statewide public school system performance evaluation. (Education)

SB 258, an act permitting veterans of the Viet Nam conflict the use of armories for meetings and requiring not less than 90 consecutive days of service to qualify for tax exemption. (Claims, Military and Veterans Affairs)

SB 54, relative to utility collection practices and termination of utility service for nonpayment of charges. (Commerce and Consumer Affairs)

SB 294, establishing minimum standards for energy conservation in public buildings. (Science and Technology)

SB 275, providing for mandatory distribution of instructions on safely installing solid fuel heating appliances. (Commerce and Consumer Affairs)

SB 315, relative to mobile home foundations. (Municipal and County Government)

SB 120, relative to including investigators in the office of the attorney general in the definition of law enforcement employees entitled to additional salary increases. (Executive Departments and Administration)

SB 181, amending certain provisions of the land sales full disclosure act. (Judiciary)

SB 171, relative to dredge and fill and the location and certain specifications of wharves and piers. (Resources, Recreation and Development)

SB 353, permitting the expenditures of certain unanticipated revenues pursuant to the municipal budget law. (Municipal and County Government)

SB 300, relative to the registration of unauthorized dams. (Resources, Recreation and Development)

SB 194, to permit the state to accept the retrocession of jurisdiction in and over the Veterans Administration Hospital in Manchester, New Hampshire. (Interstate Corporation)

SB 278, relative to exempting certain motor vehicles from motor vehicle registration fees. (Transportation)

SB 280, relative to motor vehicle inspections. (Transportation)

SB 282, relative to the use of binder chains on certain motor vehicles transporting construction equipment. (Transportation)

SB 322, relative to four-lane highways and rights of way. (Public Works)

SB 354, relative to investment of funds of certain fiduciaries. (Commerce and Consumer Affairs)

SB 249, relative to the definition of rule in the administrative procedures

act. (Executive Departments and Administration)

SB 293, relative to wood processing mills. (Environment and Agriculture)

SB 338, relative to investigations of the state fire marshal. (Executive Departments and Administration)

SB 344, providing for the appointment of pro tempore members of the personnel commission. (Executive Departments and Administration)

SB 337, relative to family day care. (Health and Welfare)

SB 297, establishing a study committee to study a unified public school system for the state. (Education)

SB 240, permitting towns to appropriate money for day care centers. (Municipal and County Government)

SB 262, creating a New Hampshire athletic trainers board. (Executive Departments and Administration)

SB 270, relative to municipal immunity. (Municipal and County Government)

SB 291, permitting a local option to adopt property tax exemptions for property improvements and rehabilitation. (Municipal and County Government)

SB 296, relative to the expenses of the division of municipal accounting in the performance of its audit functions. (Appropriations)

SB 299, authorizing the establishment of municipal development districts. (Municipal and County Government)

SB 326, defining the term "inhabitant" for purposes of certain elections. (Statutory Revision)

SB 330, relative to protests in zoning ordinance change. (Municipal and County Government)

SB 331, relative to rehearings on zoning board of adjustments decisions. (Municipal and County Government)

SB 336, relative to home warranties. (Commerce and Consumer Affairs)

SB 349, granting zoning powers to the Lower Bartlett water precinct village district and ratifying the annual meetings of the Lower Bartlett water precinct village district for 1976 and 1977. (Municipal and County Government)

SB 356, relative to the scope of the hearings conducted by the appeals board of the health and welfare advisory commission. (Health and Welfare)

SB 221, requiring the office of state planning to estimate annually the resident population of cities and towns within the state. (Executive Departments and Administration)

SB 242, relative to partnerships, associations and corporations holding an insurance agent's license. (Commerce and Consumer Affairs)

SB 158, relative to closing of state liquor stores on Christmas eve and New Year's eve. (Regulated Revenues)

SB 163, relative to the fee for the renewal of land surveyor's certificates of registration. (Commerce and Consumer Affairs)

SB 220, requiring a mandatory jail sentence for any felony in which a deadly weapon is used. (Judiciary)

SB 318, relative to alternative civil proceeding to declare material obscene and to terminate its dissemination. (Judiciary)

SB 316, establishing a surrogate parent program in New Hampshire. (Judiciary)

SB 145, relative to motor vehicle repair facilities. (Commerce and Consumer Affairs)

SB 180, improving the manner of creating and maintaining condominiums and providing for full disclosure in condominium sales. (Judiciary)

SB 153, relative to units of measure in the sale of wood. (Commerce and Consumer Affairs)

SB 261, relative to the service of writs and other processes. (Judiciary)

SB 214, prohibiting the possession or sale of devices used to defraud communications companies. (Judiciary)

SB 210, recodifying the probate laws of the state and incorporating some of the provisions of the uniform probate code. (Judiciary)

SB 233, relative to legal guardianship of the developmentally disabled. (State Institutions)

SB 150, providing an appeal procedure for persons denied a license to operate a motor vehicle for failure to pass a visual acuity examination. (Transportation)

SB 201, relative to the special license for a passenger vessel operating on state waters. (Regulated Revenues)

SB 101, relative to allowable uses of written reports filed after an accident. (Transportation)

SB 228, relative to indicating legislative intent in all statutes enacted by the general court. (Legislative Administration)

SB 251, relative to the housing finance agency. (Executive Departments and Administration)

SB 182, authorizing voter registration by mail. (Statutory Revision)

SB 263, establishing a procedure to discontinue certain capital reserve funds. (Municipal and County Government)

SB 237, concerning the affidavit used in case of voter challenge. (Statutory Revision)

SB 222, authorizing the town of Peterborough to appropriate money and authorize borrowing for water purposes at special town meetings. (Municipal and County Government)

SB 219, permitting a town on an optional fiscal year basis to hold a second session of the annual town meeting. (Municipal and County Government)

SB 217, prohibiting smoke bombs. (Claims, Military and Veterans Affairs)

SB 268, relative to the rights of law enforcement officers. (Judiciary)

SB 81, relative to the penalty of wilful trespass involving forest product. (Environment and Agriculture)

SB 168, adopting a safe drinking water act for New Hampshire. (Resources, Recreation and Development)

SB 247, relative to the limitation on receiving assistance from the federal government and state for sewage disposal facilities. (Resources, Recreation and Development)

SB 59, relative to cease and desist orders issued by the water supply and pollution control commission. (Judiciary)

SB 244, concerning vocational-technical colleges. (Education)

SB 290, relative to the state library acting in an advisory capacity to state institutional libraries. (State Institutions)

SB 279, relative to group health insurance coverage for certain retired state employees. (Executive Departments and Administration)

SB 174, relative to placing a neglected child under the supervision of the director of the division of welfare. (Health and Welfare)

SJR 3, requesting the judicial council to study the problems of collection on judgments and issuance of executions and to propose corrective legislation. (Judiciary)

SCR 2, to petition the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States which guarantees that a student has the right to attend the public school nearest his home. (Constitutional Revision)

SB 195, defining and restricting the meaning of "owners" as used in zoning changes. (Municipal and County Government)

SB 197, permitting a city or town to charge fees for commercial waste. (Environment and Agriculture)

SB 91, relative to the confidentiality of legislative budget assistant working papers and access to records and documents to perform post-audit functions. (Legislative Administration)

SB 187, relative to the New Hampshire-Vermont interstate school compact. (Interstate Cooperation)

SB 186, relative to extending the authority of the postsecondary education commission. (Education)

SB 177, relative to preventive measures for forest and brush fires. (Resources, Recreation and Development)

SB 190, relative to the registration of lobbyists. (Legislative Administration)

#### ENROLLED BILLS AMENDMENT

HB 68, relating to administrative functions of the fish and game department in declaring the opening and closing of seasons relative to fur-bearing animals. (Amendment printed in SJ 5/5)

The amendment to section 1 of the bill numbers a paragraph to conform to the changes made by HB 186 passed earlier in the session.

The amendment to section 3 is necessary to clarify an amendment to the bill to state that the director is given



temporary powers to alter the season for fur-bearing animals only and the bill does not affect the seasons for other game, birds or wild life. The amendment included reference to altering the season for taking fish in the wrong paragraph, and this amendment corrects the mistake.

The Speaker called for the Special Order.

HB 431, increasing the salaries of the operating staff of the university system and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

Salary adjustments are the responsibility of the university trustees. Inasmuch as this requested budget was cut from \$61 million to \$45 million any salary increases appear impossible.

Rep. Chambers spoke against the committee report.

Rep. Chambers moved that HB 431 be laid upon the table.

On a voice vote the Speaker was in doubt and requested a division.

144 members having voted in the affirmative and 116 in the negative, the motion lost lacking the necessary two-thirds when less than two-thirds of the elected members are present.

Rep. Parr requested a quorum count. The Speaker declared a quorum present.

Rep. Coutermarsh moved that HB 431 be laid upon the table.

The Speaker requested a roll call. Sufficiently seconded.

Reps. Parker, Lessard and Horrigan abstained from voting under Rule 16.

(Speaker presiding)  
YEAS 172 NAYS 119  
YEAS 172

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson and Nighwander.

CARROLL: Roderick Allen, Raymond Conley, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Irvin Gordon, Krause, Ladd, Lynch, Moore, Proctor, Margaret Ramsay, Russell, Slack, Terry and Terry Wiggan.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Hunt, Keough, Oleson, Poulin, Theriault, Willey, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Cornelius, Crory, Dearborn, Gemmill, LaMott, Mann, Neil McIver, Rounds, Stomberg, Glyneta Thomson and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Baker, Barrett, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Brody, Mark Connolly, Corser, Margaret Cote, Coutermarsh, Cullity, Catherine-Ann Day, Arline Dion, Clyde Eaton, Gabrielle Gagnon, Girolimon, Granger, Cort Hansen, Karnis, Lyons, McDonough, McGlynn, Fred Murray, Nardi, Kerry O'Connor, O'Neil, Pappas, Paradis, Plomaritis, Paul Riley, Leonard Smith, Spirou, Stylianos, Francis Sullivan, Wallin, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Blakeney, Bodi, Carroll, Eugene Daniell, Gamache, Richard Hanson, Hess, Donna MacIvor, McNichol, Mullin, Pardy, Pelton, Plourde, Ralph, Rice, Rich, Doris Riley, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Bisbee, Campbell, Carpenito, Collins, Cotton, Cunningham, Erler, Beverly Gage, Ganley, Gaskill, Goff, Grieco, Griffin, Hartford, Kane, King, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Parolise, Parr, Pucci, Rogers, Scamman, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Webster, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Canney, Bruce French, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Kelly, Maglaras, Nadeau, Rod O'Connor, Schreiber, Torrey, Valley and Shirley White.

SULLIVAN: D'Amante, Desnoyer, Frizzell, Gray, Sara Townsend and Tucker.

NAYS 119

BELKNAP: Marsh and Morin.

CARROLL: Claflin, Dickinson, Found and Howard.

CHESHIRE: Dostilio, Fillback, Galloway, Anne Gordon, Scranton, Vrakatis and Whipple.

COOS: Horton, Huggins, Mabel Richardson, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Duhaime, Myrl Eaton, Hough, Logan, McAvoy, Pepitone, Snell, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Bednar, Burke, Carswell, Joseph Cote, Coughlin, Crotty, William Desmarais, L. Penny Dion, Drewniak, Joseph Eaton, Nancy Gagnon, Heald, Thomas Hynes, Keefe, Knight, Lachance, LaPlante, Marcoux, McLaughlin, Miller, Morgan, Timothy O'Connor, Pelletier, Arnold Perkins, Peters, Podles, Polak, Quigley, Record, Henry Richardson, Seamans, Simard, Sing, Harold Thomson, Van Loan, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Bellerose, Laurent Boucher, John Cate, Chandler, Foley, James

Humphrey, LaBonte, Packard, Pratt, Shepard, Gerald Smith, Stockman and Tarr.

ROCKINGHAM: Barka, Benton, Blake, Danforth, Davis, Robert Day, Felch, Flanagan, Gould, Kashulines, Lovejoy, Norton, Anthony Randall, Vlack and Wolfson.

STRAFFORD: Appleby, Walter Desmarais, Donnelly, Joncas, Joos, Lefavour, Maloomian, Meader, Osgood, Preston, Dennis Ramsey, Sackett and Tripp.

SULLIVAN: Barrus, Brodeur, Ingram, Lewko, Palmer, Scott, Spaulding and George Wiggins, and HB 431 was laid upon the table.

#### COMMITTEE REPORTS (Regular Calendar)

HB 575, increasing the appropriation from \$6,000 to \$10,000 for a continuing boat tax fund administered by the department of revenue administration. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Due to the additional costs of administering the boat tax, the Appropriations Committee voted unanimously to increase the boat tax continuing fund. This sum shall be reimbursed to the Department of Revenue Administration.

#### Amendment

Amend the bill by striking out section 2 and renumbering section 3 to read as  
2

Amendment adopted.

Ordered to third reading.

HB 261, to reimburse the town of Dummer for revenue lost due to the taking of Pontook dam and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

The bill recognizes the problems of the town of Dummer but also realizes the State does not have funds to spend for this purpose at this time.

Rep. Oleson moved that the words, Ought to Pass with Amendment, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. LaMott spoke against the motion.

Rep. Spirou spoke in favor of the motion.

Rep. Oleson requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 161 NAYS 151

YEAS 161

BELKNAP: Beard, Bowler, Gary Dionne, Lawton, Nighswander and Sabbow.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Dostilio, Galloway, Irvin Gordon, Ladd, Lynch, Proctor, Russell, Slack, Terry and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Bradley Haynes, Horton, Huggins, Hunt, Keough, Oleson, Poulin, Mabel Richardson and Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Chambers, Clark, Copenhaver, Cornelius, Crory, Dearborn, Myrl Eaton, Neil McIver, Pepitone, Rounds, Stomberg, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Baker, Barrett, Brody, Carswell, Margaret Cote, Coughlin, Crotty, Cullity, Nancy Gagnon, Granger, Sal Grasso, Cort Hansen, Heald, Lachance, Marcoux, McDonough, McGlynn, Nardi, Kerry O'Connor, Timothy O'Connor, O'Neil, Pappas, Pelletier, Arnold Perkins, Plomaritis, Polak, Henry Richardson, Seamans, Leonard Smith, Spirou, Stahl, Wallin, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Bodi, Eugene Daniell, Gamache, Richard Hanson, Kidder, Donna MacIvor, McNichol, Mullin, Pardy, Plourde, Pratt, Ralph, Rice, Rich, Shepard, Gerald Smith, Tarr and Trachy.

ROCKINGHAM: Barka, Bisbee, Blake, Blanchette, Carpenito, Cotton, Danforth, Felch, Beverly Gage, Canley, Gaskill, Grieco, Hoar, Kane, Kashulines, King, Krasker, Laycock, Niebling, Norton, Parolise, Pucci, Skinner, Alfreda Smith, Splaine and Zabarsky.

STRAFFORD: Burchell, Donnelly, Charles Grassie, Dianne Herche, Horrigan, Joncas, Joos, Kelly, Lessard, Maglaras, Meader, Rod O'Connor, Osgood, Preston, Donald Smith and Torrey.

SULLIVAN: Barrus, Frizzell, Gray, Ingram, Scott and Sara Townsend.

NAYS 151

BELKNAP: Marshall French, Michael Hanson, Hildreth, Marsh and Morin.

CARROLL: Howard.

CHESHIRE: Close, Daniel Eaton, Fillback, Anne Gordon, Krause, Moore, Parker, Margaret Ramsay, Scranton, Vrakatitsis and Whipple.

COOS: Patenaude.

GRAFTON: George Cate, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Snell and Ward.

HILLSBOROUGH: Ainley, Aubut, Bednar, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Burke, Coburn, Corser, Joseph Cote, Catherine-Ann Day, William Desmarais, L. Penny Dion, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon,

Girolimon, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, LaPlante, Lyons, Madigan, McLaughlin, Miller, Morgan, Fred Murray, Paradis, Peters, Podles, Quigley, Record, Paul Riley, Simard, Sing, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Geraldine Watson, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Chandler, Foley, Hess, James Humphrey, Polly Johnson, LaBonte, Packard, Pelton, Arthur Perkins, Doris Riley, Stockman, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Aeschliman, Akerman, Benton, Campbell, Cunningham, Cutcliffe, Davis, Robert Day, Erler, Flanagan, Goff, Gould, Greene, Griffin, Hartford, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Parr, Quimby, Anthony Randall, Rogers, Scamman, Schwaner, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolfsen.

STRAFFORD: Appleby, Canney Walter Desmarais, Hebert, James Herchek, Kincaid, Lefavour, Maloomian, Nadeau, Dennis Ramsey, Sackett, Schreiber, Tripp, Valley, Voll and Shirley White.

SULLIVAN: Brodeur, Desnoyer, Lewko, Palmer, Spaulding, Tucker and George Wiggins, and the motion passed.

Rep. Oleson offered an amendment.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$2,450.79 is hereby appropriated for the fiscal year ending June 30, 1977, to be paid to the town of Dummer, in lieu of taxes on Pontook dam. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

The Assistant clerk read the amendment.

Rep. Oleson explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 979, relative to lighting the state house dome from sunset to 2:00 a.m. Ought to Pass. Rep. Tucker for Appropriations.

The lighting of the dome is a symbol of honor and respect for our granite state by her sons and daughters and has been long overdue.

Ordered to third reading.

HB 542, relative to a state-wide solid waste management program. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill allows for the transfer of existing funds to the new solid waste disposal account.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Fund Established. There is hereby established a solid waste disposal fund which shall be administered by the division of public health services, bureau of solid waste and which shall be continuing and shall not lapse. Said fund shall be available for expenditures for the purposes of RSA 147:45 as inserted by section 2 of this act. All sums appropriated to the fund established by 1973, 454:3 which have not been expended or encumbered on the effective date of this act are hereby transferred to the said solid waste disposal fund hereby established and are appropriated for the purposes of said fund.

Amendment adopted.

Ordered to third reading.

HB 603, establishing procedures to review developments of regional impact. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The Committee concurs with the House membership in the passage of this bill. The amendment removes the requested appropriation and provides the state board of review with authority to seek both public and private funds including federal funds for the purposes expressed in the bill.

#### Amendment

Amend RSA 31:120, IV as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. The state board of review is authorized to accept and expend any gifts, grants or other funds from either private or public sources, including any federal funds, which may be made available for purposes of this subdivision.

Amendment adopted.

Rep. Marsh moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Reps. Corser and Greene spoke against the motion.

On a voice vote the Speaker was in doubt and requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 111 NAYS 202

YEAS 111

BELKNAP: Lawton, Marsh, Morin, James Murray and Sabbow.

CARROLL: Howard, Kenneth MacDonald and Towle.

CHESHIRE: Fillback, Anne Gordon, Irvin Gordon and Vrakatitsis.

COOS: Cooney, Huggins, Keough, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Clark, Dearborn, Myrl Eaton, McAvoy, Neil McIver, Rounds, Snell and Glynetta Thomson.

HILLSBOROUGH: Baker, Barrett, Bednar, Roland Boucher, Brack, Bridges, Burke, Joseph Cote, Crotty, William Desmarais, Drewniak, Clyde Eaton, Joseph Eaton, Sal Grasso, Howard Humphrey, Karnis, Knight, Lachance, Lyons, McLaughlin, Miller, Timothy O'Connor, Paradis, Pelletier, Arnold Perkins, Plomaritis, Polak, Record, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Stylianos, Harold Thomson, Geraldine Watson, Robert Wheeler and Ziakas.

MERRIMACK: Laurent Boucher, Chandler, Richard Hanson, James Humphrey, Polly Johnson, Pratt, Doris Riley, Shepard, Gerald Smith, Stockman and Doris Thompson.

ROCKINGHAM: Akerman, Blake, Cummings, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Beverly Gage, Goff, Kashulines, King, Lovejoy, Nelson, Norton, Scamman, Schwaner, Tavitian, Helen Wilson and Wolfesen.

STRAFFORD: Canney, Dianne Herchek, Lefavour, Maglaras, Dennis Ramsey and Tripp.

SULLIVAN: Brodeur, Desnoyer, Ingram, Scott, Spaulding and George Wiggins.

#### NAYS 202

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Hildreth and Nighswander.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Found and Keller,

CHESHIRE: Close, Dostilio, Daniel Eaton, Galloway, Krause, Ladd, Lynch, Marshala, Matson, Moore, Parker, Margaret Ramsay, Russell, Scranton, Slack, Terry, Whipple and Terry Wigin.

COOS: Burns, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Patenaude, Poulin, Mabel Richardson, Willey, Wiswell and Neila Woodward.

GRAFTON: George Cate, Chambers, Copenhaver, Cornelius, Crory, Duhaime, Gemmill, Hough, LaMott, Logan, Mann, Stomberg, Taffe, Taylor, Madeline Townsend, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Ainley, Arnold, Aubut, Emile Boisvert, Wilfrid Boisvert, Bosse, Brody, Carswell, Coburn, Mark Connolly, Corser, Margaret Cote, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, L. Penny Dion, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Thomas Hynes, Kaklamanos, Keefe,

LaPlante, Madigan, Marcoux, Martin, McGlynn, Morgan, Nardi, Nemzoff-Berman, Kerry O'Connor, O'Neil, Pappas, Peters, Podles, Quigley, Leonard Smith, Soucy, Stahl, Francis Sullivan, Van Loan, Wallin, Welch, Emma Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, John Cate, Eugene Daniell, Foley, Gamache, Hess, Kidder, LaBonte, Donna MacIvor, McNichol, Mullin, Packard, Pardy, Pelton, Arthur Perkins, Plourde, Ralph, Rice, Rich, Ralph, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Bisbee, Blanchette, Campbell, Carpenito, Cutcliffe, Flanagan, Ganley, Gould, Greene, Griffin, Hartford, Hoar, Kane, Krasker, Laycock, Joseph MacDonald, Donna McEachern, Niebling, Parolise, Pucci, Quimby, Anthony Randall, Rogers, Skinner, Alfreda Smith, Splaine, Vlack, Webster and Zabarsky.

STRAFFORD: Appleby, Walter Desmarais, Donnelly, Bruce French, Charles Grassie, Hebert, James Herchek, Horrigan, Joncas, Joos, Kelly, Lessard, Maloomian, Meader, Nadeau, Rod O'Connor, Osgood, Preston, Sackett, Schreiber, Donald Smith, Torrey, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Barrus, Frizzell, Gray, Palmer, Sara Townsend and Tucker, and the motion lost.

Ordered to third reading.

Rep. Parr wished to be recorded against, Inexpedient to Legislate on HB 603.

HB 588, establishing a human virus diagnostic laboratory in the division of public health and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

Establish new positions in Public Health. Was not prime need of department during budget presentation. Unanimous vote of Committee.

Rep. Vrakatitsis moved that the words, Refer to Executive Departments and Administration for Interim Study, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Carpenito spoke in favor of the motion.

Rep. Tucker spoke to the committee report.

Motion adopted.

Rep. Dianne Herchek wished to be recorded against the motion.

HB 149, increasing fees for lobster, clam and oyster licenses, providing a penalty for misuse of lobster and clam licenses. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill updates the lobster, clam and oyster licenses.



## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

increasing fees for lobster, clam and oyster licenses, providing a penalty for misuse of lobster and clam licenses, removing the residency waiver for lobster and clam licenses and increasing the lobster helpers license fee.

Amend RSA 211:18 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

211:18 License. No person may at any time, place, set, keep, maintain, supervise, lift, raise or draw in, from any water under the jurisdiction of this state, or in any way aid or assist in so doing, any pot, trap, warp, or any other device used in taking lobsters or crabs without first getting a special license; nor during the time from sunset to one hour before sunrise. The director shall issue the special license under rules and regulations and in the form prescribed by him. The fee for such a license is a minimum of \$25 for 5 traps with an additional \$5 per trap for up to 29 traps. A fee of \$150 is required for a license for 30 or more traps with no limit on the number of traps a licensee may have under this license. The fee and fines collected under this subdivision and the expenses of enforcing the subdivision shall be accounted for separately by the director. Nothing in this section shall pertain to the taking of green crabs.

Amend RSA 261:62-a as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

211:62-a Licenses for Taking. No person shall at any time take clams, clam worms or oysters unless he is a resident of the state and he has been duly licensed as provided in this section, provided that a resident of the state may take from any public tidal area which is not specifically posted to the contrary by the fish and game department, not over one quart of clam worms during any one day for his own use without a license therefor and no rules or regulations shall be made by the director of the fish and game department inconsistent with this provision. Any resident of this state shall, upon application to the director of the fish and game department, be granted a license to take clams or clam worms or oysters upon payment of a fee of \$6.00 for each license. Such licenses shall be issued for the current calendar year. The director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use a clam, oyster or clam worm license issued to himself or any other person, or changes or alters such

license issued to another person or makes a false statement in application to obtain said license shall be subjected to the penalty under RSA 211:64.

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Payment to Fish and Game Department. Amend RSA 211:62-b (supp) as inserted by 1961, 186:1 as amended by striking out said section and inserting in place thereof the following:

211:62-b Agents' Fees. Agents who are authorized to issue licenses under the provisions of section 62-a shall be entitled to retain for each such license the sum of 50 cents and shall remit to the fish and game department the balance of the fee, namely, \$5.50.

6 Lobster or Crab Assistant. Amend RSA 211:20 by striking out same and inserting in place thereof the following:

211:20 Helper's License. Any person licensed under the provisions of RSA 211:18 may secure a helper's license which shall entitle him to have the assistance of a person in the taking of lobsters and crabs. Said license may be transferred to any one helper employed by said licensee but shall not be transferred to a person who previously had a lobster license which was suspended. The fee for a helper's license shall be \$25.

7 Effective Date. This act shall take effect midnight June 26, 1977.

Reps. Felch, Norton and Krasker spoke against the amendment.

Reps. LaMott and Maynard spoke in favor of the amendment.

Question being on the committee amendment, Rep. Tucker requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 142 NAYS 170

YEAS 142

BELKNAP: Bowler, Gary Dionne, Marshall French, Michael Hanson, James Murray and Nighswander.

CARROLL: Raymond Conley, Found, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Close, Dostilio, Fillback, Galloway, Anne Gordon, Krause, Lynch, Marshala, Moore, Parker, Proctor, Margaret Ramsay, Russell, Scranton, Terry and Whipple.

COOS: Burns, Bradley Haynes, Horton, Keough, George Lemire, Mabel Richardson, Alcide Valliere, Willey and Neila Woodward.

GRAFTON: Aldrich, Copenhaver, Dearborn, Duhaime, Gemmill, Hough, LaMott, Mann, McAvoy, Neil McIver, Rounds, Snell, Taffe, Taylor and Madeline Townsend.

HILLSBOROUGH: Ainley, Barrett, Bednar, Wilfrid Boisvert, Bosse, Bridges, Carswell, Coburn, Mark Connolly, Corser, L. Penny Dion, Gabrielle Gagnon, Nancy

Gagnon, Cort Hansen, Head, Heald, Thomas Hynes, Keefe, Knight, LaPlante, Martin, Miller, Nardi, Nemzoff-Berman, O'Neil, Paradis, Peters, Quigley, Sing, Francis Sullivan, Wallace, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, John Cate, Milton Cate, Foley, Richard Hanson, Polly Johnson, Kidder, LaBonte, McNichol, Packard, Pelton, Doris Riley, Trachy and Wiviott.

ROCKINGHAM: Aeschliman, Barka, Benton, Blake, Carpenito, Cutcliffe, Davis, Robert Day, Goff, King, Maynard, Donna McEachern, Parolise, Quimby, Rogers, Schwaner and Helen Wilson.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Hebert, Lefavour, Lessard, Maloomian, Meader, Preston, Sackett, Voll and Allen Wilson.

SULLIVAN: Desnoyer, Frizzell, Lewko, Palmer, Spaulding, Sara Townsend, Tucker and George Wiggins.

#### NAYS 170

BELKNAP: Beard, Hildreth, Lawton, Marsh, Morin, Sabbow and Sanders.

CARROLL: Roderick Allen, Claflin and Dickinson.

CHESHIRE: Chase, Daniel Eaton, Irvin Gordon, Matson and Vrakatitsis.

COOS: Cooney, Fortier, Huggins, Hunt, Patenaude, Poulin, Theriault, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Clark, Cornelius, Crory, Logan, Pepitone, Stomberg, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Arnold, Aubut, Baker, Belanger, Emile Boisvert, Roland Boucher, Burke, Joseph Cote, Margaret Cote, Coughlin, Coutermarsh, Crotty, Catherine-Ann Day, William Desmarais, Arline Dion, Dreniak, Joseph Eaton, Girolimon, Granger, Sal Grasso, George Healy, Howard Humphrey, Kaklamanos, Karnis, Lachance, Armand Lemire, Lyons, Madigan, McGlynn, McLaughlin, Kerry O'Connor, Timothy O'Connor, Pappas, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Henry Richardson, Paul Riley, Simard, Leonard Smith, Stahl, Stylianos, Harold Thomson, Van Loan, Geraldine Watson, Cecelia Winn and John Winn.

MERRIMACK: Bibbo, Blakeney, Carroll, Chandler, Eugene Daniell, Gamache, Hess, James Humphrey, Donna MacIvor, Mullin, Pardy, Arthur Perkins, Plourde, Pratt, Ralph, Rich, Shepard, Gerald Smith, Stockman, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Akerman, Bisbee, Campbell, Collins, Connors, Cotton, Cunningham, Danforth, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Gould, Greene, Griffin, Hartford, Hoar, Kane, Kashulines, Krasker, Laycock, Lovejoy, Joseph MacDonald, Joseph McEachern, Nelson, Norton, Pucci, Anthony Randall, Rossley, Skinner, Alfreda Smith, Tavitian, Vlack, Webster, Wojnowski, Wolfsen and Zabarsky.

STRAFFORD: Charles Grassie, Dianne Herchek, James Herchek, Horrigan, Joncas, Joos, Kincaid, Maglaras, Nadeau, Rod O'Connor, Osgood, Dennis Ramsey, Schreiber, Donald Smith, Torrey, Tripp, Valley and Shirley White.

SULLIVAN: Barrus, Brodeur, Gray, Ingram and Scott, and the amendment lost.

Ordered to third reading.

Rep. Parr wished to be recorded in favor of the bill as amended on HB 149.

HB 969, establishing a bureau of community living in the office of the director of the division of mental health. Ought to Pass. Rep. Tucker for Appropriations.

Does not affect fiscal situation of state. Unanimous vote of Committee. Ordered to third reading.

HB 195, increasing the number of justices on the superior court and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

The pending appropriations bill (HB 1000) provides for an additional justice for the superior court and appropriates funds for such purpose. The superior court presently consists of 13 justices; the evidence provided in HB 1000 would provide for 14 justices. The cost to the State is approximately \$50,000 per year for each justice; in addition, the costs for a court stenographer for each justice is approximately \$25,000 and is paid for by the counties. The Committee was unanimous that the additional justices provided for by this bill is not warranted. Resolution adopted.

HB 870, to provide for the use of interpreters for the deaf for all administrative and judicial proceedings in which deaf persons are involved. Ought to Pass. Rep. Tucker for Appropriations.

Financial impact would be minor and could be handled within the existing budget process. Unanimous vote of Committee. Ordered to third reading.

HB 427, revising the law relative to lobbyists. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This is a comprehensive revision of the lobbyist bill and deals with definition, registration and provides a civil remedy to enforce the provisions of the lobbying law.

## Amendment

Amend RSA 15:3 as inserted by section 2 of the bill by inserting after paragraph IV the following new paragraph:

V. Each person who engages in lobbying activity which is incidental to his employment may satisfy the registration requirements of this section if the lobbying organization files as part of its own registration any information relative to the incidental lobbyist.

Amend RSA 15:5 as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. Each person who engages in lobbying activity which is incidental to his employment may satisfy the requirements of this section if the lobbying organization files as part of its own report any information relative to the incidental lobbyist.

Amendment adopted.

Ordered to third reading.

HB 228, imposing an additional one cent tax on gasoline, and dedicating the revenue to highway aid to towns and cities. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Imposes a one cent road fuel tax and returns 95% of the income to the cities and towns.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

imposing an additional one cent tax on motor fuel and fuel other than motor fuel, and dedicating 95 percent of the revenue to town and cities.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Sections. Amend RSA 265 by inserting after section 4 the following new sections:

265:4-a Additional Toll on Motor Fuel. In addition to the motor vehicle road tolls imposed by RSA 265:4, an additional road toll of one cent per gallon of motor fuel is hereby imposed. Notwithstanding the provisions of RSA 265:6, 95 percent of this additional toll on motor fuel shall be used only for the purposes of RSA 265:4-b, and 5 percent shall be paid into the highway fund.

265:4-b Highway Subsidy Fund. Ninety-five percent of the proceeds from the additional toll on motor fuel imposed by RSA 265:4-a and 95 percent of the additional toll on fuel other than motor fuel imposed by RSA 265:22, I-a shall be expended solely for highway subsidy to towns and cities in addition to the amounts mandated by RSA 241:14, and shall be distributed in accordance with the provisions of RSA 241:14. No portion of such funds shall lapse nor be used for any other purposes, nor be transferred to any other appropriation. Such moneys shall be

kept in a separate fund which shall be paid out in the months of July, October, January and April.

Amend the bill by inserting after section 1 the following new section and renumbering the original sections 2 - 4 to read as

3, 4, and 5 respectively.

2 Additional Toll on Users of Fuel other than Motor Fuel. Amend RSA 265:22, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. A road toll is hereby imposed on all users of fuel other than motor fuel as defined in RSA 265:2, II, upon the use of such fuel by any person within this state only when such fuel is used in an internal combustion engine for the generation of power to propel motor vehicles of any kind or character on the public highways of the state at the rate provided by RSA 265:4 and for the same purposes as provided by RSA 265:6. Such road toll on such use of fuel shall be collected as hereinafter provided in this section.

I-a. In addition to the motor vehicle road tolls imposed by RSA 265:22, I, an additional road toll of one cent per gallon on users of fuel other than motor fuel is hereby imposed. Notwithstanding the provisions of RSA 265:6, 95 percent of this additional toll on users of fuel other than motor fuel shall be used only for the purposes of RSA 265:4-b, and 5 percent shall be paid into the highway fund.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Effective Date. This act shall take effect July 1, 1977 and shall remain in effect until July 1, 1982, provided, however, that all moneys in the fund created by RSA 265:4-b shall be distributed in accordance with RSA 241:14 for the following quarter.

Amendment adopted.

Ordered to third reading.

HB 384, to reclassify a certain section of highway in the town of North Hampton. Ought to Pass. Rep. Tucker for Appropriations.

Allows upgrading of 24 miles of road to meet state class II standards. Ordered to third reading.

HB 591, providing for the restructuring of the Hooksett liquor stores and making an appropriation therefor and repealing the authorization for an addition to the Concord store. Ought to Pass. Rep. Tucker for Appropriations.

Provides for the restructuring of the Hooksett liquor stores and makes an appropriation therefor. Ordered to third reading.

HB 216, authorizing the sale of bonds to cover the local share of construction costs on the Winnepesaukee river basin



project. Ought to Pass with Amendment.  
Rep. Tucker for Appropriations.

Allows the proper mechanics for raising the money for the multi-town project and reassessing the cost of it.

#### Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Bond Payments. Amend RSA 149-G by inserting after section 5-a the following new section:

149-G:5-b Payments. The payments of principal and interest on the bonds issued under RSA 149-G:5-a shall be made when due from the special fund established by RSA 149-G:6, VI.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 439, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage in public waters and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Establishes agency personnel and the method of funding the same so that any further spills of oil would automatically be cleaned up and the cost borne by the fund mentioned in the bill.

#### Amendment

Amend RSA 146-A:11, V as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

V. Personnel. The commission may employ a sanitary engineer III, a sanitary engineer II, a water pollution biologist and a clerk-stenographer III. The water supply and pollution control commission shall periodically review procedures for the prevention of oil discharges into the waters of the state. Inspection and enforcement employees of the commission in their line of duty under this chapter shall have the powers of a constable.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Funding. Amend RSA 146-A by inserting after section 11 the following new sections:

146-A:11-a Agency to Receive and Utilize Funds.

1. In order to fund the activities of the staff as specified in RSA 146-A:11, V there is hereby established the New Hampshire oil pollution control fund; such fund to be a non-lapsing, revolving fund for use by the commission in carrying out the purposes of this chapter.

(a) To this fund shall be credited all taxes, penalties or other fees and charges generated by the chapter as well as any federal or other funds which are made available for the purposes of oil pollution control.

(b) The fund shall be charged any and all expenses of the commission associated with the implementation of the chapter, including administrative expenses as well as costs for removal or corrective measures deemed necessary as a result of oil discharge or oil spillage to the surface and ground waters of the state in the manner described in RSA 146-A:3.

(c) Monies in the fund, not currently needed to meet the obligations of the commission in the exercise of its responsibilities under this chapter shall be deposited with the treasurer of the state to the credit of the fund, and may be invested as provided for by statute. Interest received on such investment shall be credited to the New Hampshire oil pollution control fund.

II. The director of motor vehicles shall collect a tax not to exceed one cent per barrel and for the purposes of this section, a barrel means 42 United States gallons or 159.00 liters or an appropriate equivalent measure set by the director, bureau of weights and measures which are other than fluid or which are not commonly measured by the barrel. Oils within the meaning of this section are oil, gasoline, diesel, kerosene and heating oil #2, #4, #5 or #6, propane, natural gas and any chemical with a petroleum base. The tax shall be paid monthly by the distributor on the basis of records certified to the director of the previous month's importation of oils into this state.

(a) The director shall issue appropriate tax reporting forms to any distributor within the state importing any oils for use within the state. For the purposes of this section a distributor is defined as "persons importing or causing to be imported any oils as specified in paragraph II, as well as persons producing, refining, preparing, distilling, manufacturing, blending or compounding any oils."

(b) The tax collected pursuant to this paragraph shall be deposited in the New Hampshire oil pollution control fund established under paragraph I. In each fiscal year following any year in which the balance of the fund equals or exceeds \$1,500,000, the tax shall be reduced so as to recover only annual administrative expenses, and in any fiscal year when the fund requires restoration of the one cent per barrel to regain a balance of \$1,500,000 the tax shall be reimposed at one cent until said balance is attained.

(c) The director of motor vehicles shall deduct 5 percent of the tax collected pursuant to this section for the administrative costs involved.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Appropriation. There is hereby appropriated from the New Hampshire oil pollution control fund for the fiscal year ending June 30, 1978 and for the fiscal year ending June 30, 1979 the following amounts to be expended for the purposes of this act:



	<u>1978</u>	<u>1979</u>
Permanent Personal		
Services	\$48,996	\$51,672
Current Expenses	8,000	8,400
Equipment	2,540	-
Benefits	7,348	7,749
In-state Travel	3,500	3,500
Out-of-state Travel	500	500
	<u>\$70,884</u>	<u>\$71,821</u>

In the event of an oil spill the commission may expend, with the approval of governor and council, such additional sums as are necessary to clean up the spill except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund.

Amendment adopted.

Ordered to third reading.

HB 541, establishing a Livermore Falls Gorge study commission and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Establishes a commission to study a natural site.

Amendment

Amend paragraph I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby established a Livermore Falls Gorge study commission for the purpose of investigating the feasibility of public acquisition by the state or a political subdivision or a public interest or non-profit organization or corporation of the Livermore Falls Gorge so-called, situated on the Pemigewasset river in the county of Grafton in the towns of Plymouth, Campton and Holderness. The commission shall consist of 12 members appointed as follows: one member to be designated by the commissioner of the department of resources and economic development; one member to be designated by the director of the division of parks and recreation; one member designated by the state office of historic preservation; one member of the senate designated by the president of the senate; one member of the house of representatives designated by the speaker of the house; 2 members each from Plymouth, Campton and Holderness designated by the respective boards of selectmen and a member representing the general public designated by the governor and council. The commission members shall serve without compensation but shall be entitled to the same mileage as paid to state employees while performing duties in connection with the study commission. The commission shall elect from its membership a chairman, a vice-chairman and a clerk. The commission may also appoint appropriate subcommittees.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriation. The sum of \$500 is hereby appropriated for the fiscal year ending June 30, 1978, to be expended for the purposes specified in section 1 of this act. The commission shall be authorized to receive any grants or gifts for the purposes specified in section 1 of this act, and are hereby appropriated. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 1086, changing the name of the New Hampshire home for the elderly to the Glencliff home for the elderly; and transferring the Glencliff home for the elderly from the division of public health to the division of mental health. Ought to Pass. Rep. Tucker for Appropriations. Transfers Glencliff to Mental Health from Public Health. Has no financial impact. Unanimous vote of Committee.

Rep. Tucker moved that HB 1086 be recommitted to the Committee on Appropriations, and spoke to his motion.

Rep. Milton Cate spoke in favor of the motion.

Adopted.

HB 270, amending the capital improvement appropriation for the aeronautics commission relative to total project cost in order to permit use of appropriated funds with increased percentage of federal participation. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Amends capital improvement appropriations of aeronautics and water resources board to correct lapse dates of capital budget projects, changes Federal fund participation percentage and removes one footnote from the capital budget of 1974-1975.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to certain capital improvement appropriations for the aeronautics commission and the water resources board.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Certain Water Resources Board Appropriations of 1974 Extended. The following appropriations to the water resources board, for the specified capital improvements, shall be available until June 30, 1977:

I. 1974, 38:1, XII, repairs, reconstruction and rebuilding of dams at Union meadows, Kingswood lake, Glen lake, Howe reservoir and Winnisquam lake.

II. 1974, 38:13, I, Baker River Watershed project sites 6-A, 7 and 11-A.

6 Restrictions Repealed.

I. The requirements of 1974, 38:10, II, relative to reduction of state funds if additional federal funds are available, shall not apply to the capital improvement project specified in 1974, 38:13, I.

II. The requirements of 1975, 504:10, II and 1975, 504:12, II, relative to reduction of state funds if additional federal funds are available, shall not apply to the capital improvement project specified in 1975, 504:1, XII, (b).

#### 7 Effective Date.

I. Sections 1, 2, 5 and 6 of this act shall take effect April 1, 1977.

II. Sections 3 and 4 of this act shall take effect upon their passage.

Amendment adopted.

Ordered to third reading.

SB 114, authorizing the inclusion of dog races in sweepstakes and drawings conducted by the sweepstakes commission. Ought to Pass. Rep. Sanborn for Regulated Revenues.

Estimated revenue to the state will be more than \$500,000 by the passage of this bill. Committee vote 14 - 1. Referred to Appropriations.

SB 93, clarifying the legislative intent of RSA 149-G:2 concerning the extent to which the state shall assume contractual obligations for the design of municipal sewage disposal systems. Ought to Pass. Rep. Clafin for Resources, Recreation and Development.

Removes ambiguity as to state obligation on existing municipal sewage disposal systems as to engineering services and contract costs. It makes quite clear what state obligations are and are not under the existing statutes. Referred to Appropriations.

Rep. Marshall French moved that debate be limited to forty minutes, equally divided on all bills.

Motion lost.

Rep. Marshall French moved that debate be limited to thirty minutes, equally divided on all bills.

Motion lost.

Rep. Coutermarsh moved that debate be limited to ten minutes, each side, on all bills.

Motion adopted.

HB 252, guaranteeing freedom of speech, right of criticism and disclosure for all state employees. (Vetoed) Should Not Pass. Rep. Joseph Eaton for Constitutional Revision.

After careful deliberation, the Subcommittee recommended to the full Committee on Constitutional Revision that it vote to sustain the Governor's veto of HB 252. The Committee made this recommendation, in part, for the following reasons:

1. Freedom of speech is now guaranteed every citizen in the State of New Hampshire under Part 2, Article 44 of the New Hampshire Constitution and under the United States Constitution.

2. HB 252 is not in the better interest of the citizenry of New Hampshire because it is possible a response to a very isolated case and does not address itself to the long range effectiveness of state government.

3. It is clear that public employees under Federal and State Constitutions, do not have an unlimited right of freedom of speech. What is proper is, in nearly all constitutional cases, a question of degree in which the right of the employee to say whatever he pleases must be balanced against the right of the government to prevent activity which is detrimental to fair and effective government.

Question being, shall HB 252 pass, notwithstanding the Governor's veto.

Reps. Eugene Daniell and Chambers spoke in favor.

Reps. Slack, Foley, Mark Connolly, Dearborn, George Wiggins, Barrus and Lawton spoke against.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 114 NAYS 233

YEAS 114

BELKNAP: Gray Dionne, Hildreth and Sabbow.

CARROLL: Found.

CHESHIRE: Close, Dostilio, Faucher, Lynch, Parker, Proctor, Margaret Ramsay, Russell, Terry and Terry Wiggins.

COOS: Cooney, Bradley Haynes, Oleson, Patenaude, Poulin, Theriault and Neila Woodward.

GRAFTON: Chambers, Cornelius, Crory, Hough, Stomberg, Taffe and Michael Woodard.

HILLSBOROUGH: Ahern, Brody, Corser, Margaret Cote, Coughlin, Cullity, Catherine-Ann Day, Arline Dion, Gabrielle Gagnon, Girolimon, Cort Hansen, Head, Kaklamanos, LaPlante, Martin, McGlynn, Nardi, Nemzoff-Berman, Normand, O'Neil, Pappas, Pelletier, Plomaritis, Quigley, Edward Smith, Leonard Smith, Spirou, St. George, Francis Sullivan, Sweeney, Wallin, Robert Wheeler, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Carroll, Eugene Daniell, Gamache, LaBonte, Donna MacIvor, Pardy, Pelton, Ralph and Trachy.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Cotton, Ganley, Gould, Grieco, Hartford, Krasker, Laycock, Joseph MacDonald, Maynard, Donna McEachern, Parolise, Pucci, Quimby,

Rogers, Rossley, Alfreda Smith, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Bruce French, Charles Grassie, Hebert, Horrigan, Kelly, Lessard, Nadeau, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Valley, Voll, Shirley White and Allen Wilson.

SULLIVAN: Frizzell and Palmer.

#### NAYS 233

BELKNAP: Ambrose, Beard, Bowler, Marshall French, Michael Hanson, Lawton, Marsh, Morin, James Murray, Nighswander and Sanders.

CARROLL: Roderick Allen, Claflin, Raymond Conley, Dickinson, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Chase, Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Krause, Ladd, Marshala, Matson, Moore, Scranton, Slack, Vrakatitsis and Whipple.

COOS: Burns, Fortier, Horton, Huggins, Hunt, Keough, George Lemire, Mabel Richardson, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Gemmill, LaMott, Logan, Mann, McAvoy, Neil McIver, Pepitone, Rounds, Snell, Taylor, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ainley, Arnold, Aubut, Baker, Barrett, Belanger, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Burke, Carswell, Coburn, Mark Connolly, Joseph Cote, Coutermarsh, Crotty, William Desmarais, Drevniak, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, Sal Grasso, Heald, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Knight, Lachance, Armand Lemire, Lyons, Madigan, Marcoux, McDonough, McLaughlin, Miller, Morgan, Fred Murray, Kerry O'Connor, Timothy O'Connor, Paradis, Arnold Perkins,, Peters, Podles, Polak, Record, Henry Richardson, Paul Riley, Seamans, Simard, Sing, Soucy, Stylianos, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Welch, Emma Wheeler, James J. White and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Richard Hanson, Hess, James Humphrey, Polly Johnson, Kidder, McNichol, Mullin, Arthur Perkins, Plourde, Pratt, Rich, Doris Riley, Shepard, Gerald Smith, Stefanides, Stockman, Tarr, Doris Thompson, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Benton, Bisbee, Blake, Campbell, Cummings, Cunningham, Danforth, Davis, Robert Day, Erler, Felch, Flanagan, Beverly Gage, Gaskill, Goff, Greene, Griffin, Hoar, Kane, Kashulines,

King, Lovejoy, Joseph McEachern, Nelson, Niebling, Norton, Parr, Anthony Randall, Scamman, Schwaner, Skinner, Splaine, Stimmell, Tavitian, Vlack, Webster, Helen Wilson and Wolfesen.

STRAFFORD: Appleby, Canney, Walter Desmarais, Donnelly, Dianne Herchek, James Herchek, Joncas, Joos, Kincaid, Lefavour, Maglaras, Maloomian, Meader, Rod O'Connor, Osgood, Preston, Torrey and Tripp.

SULLIVAN: Barrus, Brodeur, D'Amante, Desnoyer, Gray, Ingram, Lewko, Lucas, Scott, Spaulding, Sara Townsend, Tucker and George Wiggins, and the Governor's veto was sustained.

Reps. Bednar and Barka wished to be recorded against overriding the veto on HB 252.

#### SENATE MESSAGE

##### SUSPENSION OF JOINT RULES

The Senate has voted to suspend the Joint Rules to allow the Appropriations bills from the House to be allowed into the Senate through Tuesday, May 24th.

Reps. Marshall French and Spirou moved that the House concur in the suspension of Joint Rules as proposed by the Honorable Senate.

Adopted by the necessary two-thirds.

##### SUSPENSION OF RULES

Rep. Spirou moved that the rules be so far suspended as to allow consideration of committee reports without the required notice on those bills listed for floor action May 18.

Adopted by the necessary two-thirds.

HB 1000, making appropriations for the expenses of certain departments of the state fiscal years ending June 30, 1978 and June 30, 1979. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. Marshall French moved that HB 1000 be made a Special Order for Wednesday, May 18.

Adopted.

HB 537, relative to licensing pet shops and certain animal shelters. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. Marshall French moved that HB 537 be made a Special Order for Wednesday, May 18.

Adopted.

HB 586, to provide for the licensing and regulation of plumbers and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. Roderick Allen moved that HB 586 be made a Special Order for Wednesday, May 18.

Adopted.



HB 217, relative to tuition for foster children. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill as amended, authorizes any sums remaining in the foster children appropriation to be divided equally between two groups - handicapped foster children and foster children placed in group homes or institutions averaging 6 or more children annually - and those sums to be prorated within each grouping. This division provides greater monies to handicapped foster children, and likewise recognizes and attempts to alleviate the financial burden to cities and towns where these children are placed by the state.

#### Amendment

Amend RSA 198:25 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

198:25 Proration. If, in any year, the number of children entitled to receive benefits in accordance with RSA 198:24 shall exceed the amount appropriated for such purpose, the amount shall be prorated proportionally among the districts entitled to the tuition payments. In carrying out the proration, all sums appropriated to the foster children tuition fund established by 1975, 505:1.06, 03, 01, 21 which have not been expended or encumbered on the effective date of this act shall be divided equally between foster children placed in a program or school for the handicapped and foster children placed in a group home or non-profit institution which averages 6 or more foster children annually. After this division between foster home groups and handicapped foster children programs, said sums shall be disbursed on a prorata basis for each foster child in group foster homes. In subsequent years, this same prorata distribution shall be made of these foster children tuition funds.

Amendment adopted.

Ordered to third reading.

HB 1006, establishing Merrimack valley college as a fourth school in the university system. Ought to Pass. Rep. Tucker for Appropriations.

This bill establishes the Merrimack Valley branch of the University as a fourth college in the University System. It also makes necessary the transfer of powers and duties. It will not require additional funding for the biennium.

Ordered to third reading.

HB 504, authorizing the payment of a shift differential to certain employees of the New Hampshire hospital, Laconia state school and New Hampshire home for the elderly and making an appropriation therefor. Inexpedient to Legislate. Rep. Tucker for Appropriations.

Major employee policy change which cannot be funded at this time. Unanimous vote of Committee.

Resolution adopted.

HB 602, establishing an office of health planning and development and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Establishes central office in the Department of Health and Welfare for "Health Planning".

#### Amendment

Amend the bill by striking out section 17 and inserting in place thereof the following:

17 Expiration of Subdivision. The provisions of this subdivision shall expire June 30, 1979.

18 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Ordered to third reading.

HB 608, relative to the responsibilities and reorganization of the division of mental health and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. Marshall French moved that HB 608 be made a Special Order for Wednesday, May 18.

Adopted.

HB 1016, establishing procedures for the periodic termination, review and renewal of state agencies and programs. Ought to Pass. Rep. Tucker for Appropriations.

Although there are deficiencies within the structure of the bill, the Committee agrees with both the intent and purpose of this type of legislation. The Committee hopes that the problems inherent within any "sunset" legislation will be resolved as the process is put into generation. Ordered to third reading.

HB 1124, relative to replacing the governor's committee on employment of the handicapped with the governor's commission for the handicapped. Ought to Pass. Rep. Tucker for Appropriations.

Replaces the Governor's Committee on Employment of the Handicapped with Governor's Commission for the Handicapped which provides a broader scope. Unanimous vote of Committee. Ordered to third reading.

HB 89, relative to the licensing process and license fees for hospitals and medical institutions or facilities. Ought to Pass. Rep. Tucker for Appropriations. Will generate needed additional revenue to offset additional staffing in office of Health Facility Administration. Ordered to third reading.



Hb 199, relative to the licensure of occupational therapists. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The bill will allow occupational therapists to receive third party payments. The administration of this act will be administered by the Department of Public Health and does not establish a new board.

#### Amendment

Amend RSA 326-C:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

326-C:4 Examinations. The board shall hold examinations for applicants who comply with the provisions of conditions of licensure. The examinations shall be written and shall be designed to test the applicant's knowledge of the basic and clinical sciences relating to occupational therapy, and occupational therapy theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice. Examinations shall be held at least once a year.

Amend RSA 326-C:7 and 8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

326-C:7 Renewal of License. Applications for renewal of licensure shall be filed on or before December 31 of each year accompanied by a renewal fee. The board may establish reasonable additional requirements for license renewal which provide for evidence of continued competency. All licenses issued under the provisions of this chapter shall expire each year on December 31 unless previously suspended or revoked. The board may provide for the late renewal of a license upon payment of a late fee, but no such renewal of a license may be granted more than a year after its expiration. All renewal licenses granted after January 1 shall be retroactive to January 1.

326-C:8 Eligibility. The board shall grant a license to any person certified prior to the effective date of the chapter as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) by the American Occupational Therapy Association. The board may grant a license to any person so certified after the effective date of this chapter, if the board considers the requirements for such certification to be equivalent to the requirements for licensure in this chapter. The board shall waive the education, experience and examination requirements for licensure for applicants who present evidence of equivalent competency to the board, they having been engaged in the practice of occupational therapy on and prior to the effective date

of this chapter. Such proof of actual practice shall be presented to the board in such manner as it may prescribe by rule.

Amend RSA 326-C:9, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Such refusal to issue or renew, suspension, revocation or imposition of probationary conditions upon a licensee may be ordered by the board in a decision made after a hearing in the manner provided by the rules adopted by the board, and subject to review by the superior court upon a seasonable appeal.

Amend RSA 326-C:10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

326-C:10 Fees. The board shall set the fees to be charged under the provisions of this chapter each year as follows:

I. The examination fee shall be not less than \$25 nor more than \$50.

II. The initial license fee shall be not less than \$10 nor more than \$25.

III. The annual renewal of license fee shall be not less than \$10 nor more than \$25.

IV. The late filing fee shall be \$10.

Amend RSA 326-C:12 and 13 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

326-C:12 Powers and Duties of Board. The board is authorized to adopt reasonable rules and regulations and set appropriate fees to carry this chapter into effect and may amend and revoke such rules and regulations at its discretion. The board shall keep a record of its proceedings under this chapter and a register of all persons licensed under it. The register shall show the names of every living licensee, his last known place of business and last known place of residence, and the date and number of his license and certificate as a licensed occupational therapist or occupational therapy assistant. The board shall once each year compile a list of licensed occupational therapists and occupational therapy assistants.

326-C:13 Advisory Committee. There is hereby established a committee who shall serve in an advisory capacity to the board. It shall also be the duty of said committee to review all applications for licensure and to make recommendations to the board in connection therewith. Said committee shall consist of 2 occupational therapists and one occupational therapy assistant, licensed under the laws of this state, and a physician knowledgeable in the practice of occupational therapy. The committee shall be appointed by the board biennially. Any vacancies in the committee shall be filled in a like manner for the unexpired term. Members of said committee shall serve without compensation.

Amend RSA 326-C as inserted by section 1 of the bill by striking out section 11 and renumbering the original sections 12-15 to read as

11 , 12 , 13 and 14 respectively.

Rep. Spaulding spoke to the amendment.  
Amendment adopted.  
Ordered to third reading.

HB 523, authorizing payment to Merrimack county for services rendered and making an appropriation therefor. Recommended but to be laid on the table because unfunded. Rep. Tucker for Appropriations.

This bill would pay a just debt to Merrimack County for services rendered to the Department of Welfare for the State of New Hampshire.  
Adopted.

HB 545, providing for the licensing of social workers on a trial basis and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. Lawton moved that HB 545 be made a Special Order for Thursday, May 19.

Rep. Blanchette moved to amend the Lawton motion to read Wednesday, May 18.  
Amendment adopted  
Motion adopted.

HB 590, relative to a return transfer of funds from the division of welfare to the division of mental health. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. Marshall French moved that HB 590 be made a Special Order for Wednesday, May 18.  
Adopted.

HB 1022, relative to the state's reimbursement of certain nursing homes at 100 percent of reasonable cost. Inexpedient to Legislate. Rep. Tucker for Appropriations.

Funding is now part of the budget.  
Unanimous vote of Committee.

Rep. Fortier spoke to the bill.  
Rep. Blanchette explained the bill.  
Resolution adopted.

HB 1027, relative to funeral expenses for recipients of public assistance. Ought to Pass. Rep Tucker for Appropriations.

Rep. Marsh moved that HB 1027 be made a special order for Thursday, May 19.  
Adopted.

HB 1028, encouraging the reporting of infirm and incapacitated elderly persons. Inexpedient to Legislate. Rep. Tucker for Appropriations.

Sponsors requested withdrawal of the bill. Unanimous vote of Committee.  
Resolution adopted.

HB 1128, relative to child support enforcement. Ought to Pass. Rep. Tucker for Appropriations.

The bill authorizes a child support collection program in the department. Unanimous vote of the Committee.  
Ordered to third reading.

HB 1148, relative to state public assistance programs. Ought to Pass. Rep. Tucker for Appropriations.

Establishes means of equalizing SSI benefits. Unanimous vote of Committee.  
Ordered to third reading.

HB 1048, relative to the workmen's compensation law. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. Marshall French moved that HB 1048 be made a special order for Wednesday, May 18.  
Adopted.

HB 244, relative to compensation of registers and deputy registers of probate. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill pays the Deputy Registers of Probate only for funds that were mistakenly not paid to them when all other state employees received a pay increase during the last biennium.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to compensation of deputy registers of probate.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Salary Increase for Deputy Registers of Probate. Amend RSA 94:1-a, I (supp) as inserted by 1969, 500:12 as amended by striking out the lines reading "Deputy registers of probate:

Rockingham	7,637	9,798
Strafford	6,628	8,545
Belknap	6,628	8,545
Carroll	6,628	8,545
Merrimack	7,637	9,841
Hillsborough	8,934	11,138
Cheshire	6,082	7,679
Sullivan	6,082	7,679
Grafton	6,628	8,545
Coos	6,082	7,679

and inserting in place thereof the following:

(Deputy registers of probate:

Rockingham	7,897	10,058
Strafford	6,888	8,805
Belknap	6,888	8,805
Carroll	6,888	8,805
Merrimack	7,897	10,101
Hillsborough	9,194	11,398
Cheshire	6,342	7,939
Sullivan	6,342	7,939
Grafton	6,888	8,805
Coos	6,342	7,939).

2 Salary Increase Retroactive. The salary increases inserted by section 1 of this act shall be retroactive to June 20, 1975.

3 Appropriation. The sum of \$5,200 is hereby appropriated for the purposes of this act for the biennium ending June 30, 1977. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 497, relative to the distribution of dog license fees and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill increases the fees to town clerks and gives financial aid to the diagnostic laboratory.

#### Amendment

Amend RSA 466:9, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Clerks of the towns and cities shall issue said licenses, receive the money therefor and pay the same into the treasuries of their respective towns and cities on or before June first each year, retaining to their own use 50 cents for each license and submitting 50 cents for each license to the state treasurer for the purpose specified in paragraph II. The clerks shall return to their respective town or city treasurer a sworn statement of the amount of moneys thus received and paid over by them.

Amendment adopted.

Ordered to third reading.

HB 978, requiring that any state owned property leased to private parties shall comply with local zoning ordinances. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

The bill has merit and the committee amendment limits the impact on concessions at state parks and recreation areas. Unanimous vote of the committee.

#### Amendment

Amend RSA 4:39-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

4:39-a Property Leased for Private Purposes. Any person, association, partnership, corporation or other legal entity who leases state owned real estate for private, commercial or industrial purposes shall comply, and said real estate shall be subject to, any restrictions which have been imposed by local ordinance relative to the permitted use of said real estate. The provisions of this section shall not apply to concessions or state owned buildings within state parks or state recreation areas.

Amendment adopted.

Ordered to third reading.

HB 452, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. Griffin moved that HB 452 be made a special order for Wednesday, May 18.

Adopted.

HB 592, relative to the fee for obtaining a license to use radioactive materials and creating the position of radiation specialist and making an appropriation therefor. Ought to Pass. Rep. Tucker for Appropriations.

Increased fee will cover expense of this bill.

Ordered to third reading.

HB 196, authorizing the issuance of non-driver's picture identification cards. Ought to Pass with Amendment

Rep. James Murray moved that HB 196 be made a special order for Wednesday, May 18. Adopted.

HB 232, increasing boat registration fees; revising the distribution of boat registration fees; requiring the issuance of annual boat number plates and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. Marshall French moved that HB 232 be made a special order for Wednesday, May 18.

Adopted.

HB 455, providing for a special decal on motor vehicle number plates for a person with a walking disability. Ought to Pass. Rep. Tucker for Appropriations. This bill authorizes the Director of Motor Vehicles to issue a special decal to individuals with a walking disability. Currently the director may issue a card or tag which is affixed to the visor or dashboard. The decal will improve the method of identification at little additional expense.

Ordered to third reading.

HB 494, establishing a staggered registration system for motor vehicles and changing registration and municipal permit fees. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Rep. James Murray moved that HB 494 be made a special order for Wednesday, May 18. Adopted.

HB 302, to provide for interest on tax refunds for all taxes administered by the department of revenue administration. Ought to Pass with Amendment. Rep. Tucker for Appropriations.



The bill authorizes the department of Revenue Administration to pay a uniform interest rate of 6% on the overpayment of all taxes administered by the department.

#### Amendment

Amend RSA 71-A:39 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

71-A:39 Interest. Under rules prescribed by the commissioner, interest shall be allowed and paid at the rate of 6% per annum upon any overpayment of taxes administered by the department. No interest shall be allowed or paid on amounts less than \$1.00. If any overpayment of tax administered by the department is refunded within 3 months after the due date or authorized extension date or within 3 months after the return is filed, whichever is later, no interest shall be allowed under this section. Upon certification by the commissioner, the state treasurer shall refund the overpayment with interest from the revenue of the specific tax.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Interest and Dividends Tax. Amend RSA 77:27 by striking out same and inserting in place thereof the following:

77:27 Refunds. The state treasurer, upon warrant from the commission or the court, shall repay to the taxpayer the amount of any abatement, with interest pursuant to the provisions of RSA 71-A:39.

3 Business Profits Tax. Amend RSA 77-A:13, III as inserted by 1970, 5:1 by striking out said paragraph and inserting in place thereof the following:

III. After hearing, if requested by the taxpayer, the commission shall affirm or shall increase or decrease the tax theretofore assessed. Any increase ordered by the commission shall be assessed against the taxpayer and shall carry 10 percent interest from the date originally due. Any decrease ordered by the commission shall, with interest pursuant to RSA 71-A:39, from the date the tax was paid, be credited against any unpaid tax then due from the taxpayer and any balance due the taxpayer shall be certified to the state treasurer who shall pay the balance to the taxpayer, but such credit and payment together may not exceed the amount of the tax originally paid.

4 Meals and Rooms Tax. Amend RSA 78-A:13, III (supp) as inserted by 1967, 213:1 as amended by striking out said paragraph and inserting in place thereof the following:

III. The board of taxation or the court shall take from the appellant a bond or recognizance to the state, with surety, to prosecute the appeal to completion and to comply with the orders and decrees of a court in the premises. The board or court may also require the appellant to provide a bond running to the state with surety in a sum fixed by the court, conditioned upon

the payment of taxes found to be due and to become due during the pendency of the appeal. Such appeals shall be preferred cases for hearing on the docket of the board or the court. The board or the court may grant such relief as may be just and equitable, and may order the state treasurer to pay to the aggrieved person the amount of the relief granted with interest at the rate established under RSA 71-A:39. Upon all appeals which are denied, costs may be taxed against the appellant at the discretion of the board or the court, but the board or court may not tax costs against the state.

#### 5 Defined Petroleum Products Tax.

Amend RSA 78-C:7, III as inserted by 1974, 39:4 by striking out said paragraph and inserting in place thereof the following:

III. After hearing, if requested by the taxpayer, the commissioner shall affirm or shall increase or decrease the tax heretofore assessed. Any increase ordered by the commissioner shall be assessed against the taxpayer and shall carry 10 percent interest from the date originally due. Any decrease ordered by the commissioner shall, with interest pursuant to RSA 71-A:39, from the date the tax was paid, be credited against any unpaid tax then due from the taxpayer and any balance due the taxpayer shall be certified to the state treasurer who shall pay the balance to the taxpayer, but such credit and payment together may not exceed the amount of the tax originally paid.

6 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Ordered to third reading.

HB 493, relative to the legacy and succession tax. Inexpedient to Legislate. Rep. Tucker for Appropriations.

Resolution adopted.

HB 596, amending the real estate transfer tax. Ought to Pass. Rep. Tucker for Appropriations.

Rep. Wallin moved that HB 596 be made a special order for Wednesday, May 18.

Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. James J. White, Tim O'Connor, Bibbo, Foley, Quimby, LeFleur and Drewniak offered the following:

#### HOUSE RESOLUTION NO. 25

concerning fair play by executive agencies and commissions.

RESOLVED by the House of

Representatives:

That as a matter of fundamental fairness, no executive agency or commission should take a position on any complaint lodged against any person subject to its jurisdiction without first hearing all sides of the matter; and that no executive agency or commission should take any such matter to a higher authority



without first seeking to determine for itself, after consulting with all parties to the controversy, whether any such complaint has merit; and that under no circumstances should any executive agency or commission distribute unsubstantiated charges to the media; and that we, the members of the House, disapprove of any such conduct by an executive agency or commission as being contrary to the rights of due process guaranteed to all citizens.

The Clerk read the resolution.

Reps. White and George Wiggins spoke in favor of the resolution.

Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. Parolise and Dickinson offered the following:

#### HOUSE RESOLUTION NO. 40

requiring an investigation of the water level in Arlington pond by the water resources board.

WHEREAS, a substantial problem exists among the property owners abutting Arlington pond in Salem, New Hampshire and such owners have been deprived of the effective use of Arlington pond as a recreational body of water because of a severe lack of water in the pond; and

WHEREAS, this lack of water has caused economic disruption among the adjacent property owners, a deprivation of the recreational and aesthetic characteristics of the pond and has produced a noxious odor in the surrounding area; and

WHEREAS, as a result of this condition the general court seeks to prevent its recurrence and to resolve differences among all the parties involved to the problem; now, therefore, be it

RESOLVED by the House of Representatives

That the water resources board shall perform an investigation pursuant to RSA 484:1. The water resources board shall consider in addition to the requirements of RSA 484:1 the feasibility of obtaining any lands, properties or rights in order to equitably resolve the water level problem in Arlington pond.

Public hearings shall be held by the water resources board in Derry and Salem, New Hampshire in order to effectuate the purpose of this resolution and in order to obtain public input into their findings and recommendations. The office of the attorney general shall provide such legal assistance the water resources board may need to carry out this resolution.

FURTHER BE IT RESOLVED that the water resources board shall comply with the requirements of RSA 484, specifically those found in RSA 484:2 and 3; and in addition shall report its findings, recommendations and actions to the House committee on Resources, Recreation and Development not later than September 1, 1977.

The Assistant Clerk read the resolution.

Rep. Dickinson spoke in favor of the resolution.

Adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 18 at 11:00 a.m.

Adopted.

#### LATE SESSION

Third reading and final passage  
HB 575, increasing the appropriation from \$6,000 to \$10,000 for a continuing boat tax fund administered by the department of revenue administration.

HB 261, to reimburse the town of Dummer for revenue lost due to the taking of Pontook dam and making an appropriation therefor.

HB 979, relative to lighting the state house dome from sunset to 2:00 a.m.

HB 542, relative to a state-wide solid waste management program.

HB 603, establishing procedures to review developments of regional impact.

HB 149, increasing fees for lobster, clam and oyster licenses, providing a penalty for misuse of lobster and clam licenses.

HB 969, establishing a bureau of community living in the office of the director of the division of mental health.

HB 870, to provide for the use of interpreters for the deaf for all administrative and judicial proceedings in which deaf persons are involved.

HB 427, revising the law relative to lobbyists.

HB 228, imposing an additional one cent tax on motor fuel and fuel other than motor fuel, and dedicating 95 percent of the revenue to towns and cities.

HB 384, to reclassify a certain section of highway in the town of North Hampton.

HB 591, providing for the restructuring of the Hooksett liquor stores and making an appropriation therefor and repealing the authorization for an addition to the Concord store.

HB 216, authorizing the sale of bonds to cover the local share of construction costs on the Winnepesaukee river basin project.

HB 439, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage in public waters and making an appropriation therefor.

HB 541, establishing a Livermore Falls Gorge study commission and making an appropriation therefor.

HB 270, relative to certain capital improvement appropriations for the aeronautics commission and the water resources board.

HB 217, relative to tuition for foster children.

HB 1006, establishing Merrimack valley college as a fourth school in the university system.

HB 602, establishing an office of health planning and development and making an appropriation therefor.

HB 1016, establishing procedures for the periodic termination, review and renewal of state agencies and programs.

HB 1124, relative to replacing the governor's committee on employment of the handicapped with the governor's commission for the handicapped.

HB 89, relative to the licensing process and license fees for hospitals and medical institutions or facilities.

HB 199, relative to the licensure of occupational therapists.

HB 1128, relative to child support enforcement.

HB 1148, relative to state public assistance programs.

HB 244, relative to compensation of deputy registers of probate.

HB 497, relative to the distribution of dog license fees and making an appropriation therefor.

HB 978, requiring that any state owned property leased to private parties shall comply with local zoning ordinances.

HB 592, relative to the fee for obtaining a license to use radioactive materials and creating the position of radiation specialist and making an appropriation therefor.

HB 455, providing for a special decal on motor vehicle number plates for a person with a walking disability.

HB 302, to provide for interest on tax refunds for all taxes administered by the department of revenue administration.

#### RECONSIDERATIONS

Rep. Oleson moved that the House reconsider its action whereby it passed HB 261, to reimburse the town of Dummer for revenue lost due to the taking of Pontook dam and making an appropriation therefor.  
Reconsideration lost.

Rep. Griffin moved that the House reconsider its action whereby it passed HB 978, requiring that any state owned property leased to private parties shall comply with local zoning ordinances.  
Reconsideration lost.

Rep. Cornelius moved that the House reconsider its action whereby it passed HB 1016, establishing procedures for the periodic termination, review and renewal of state agencies and programs.  
Reconsideration lost.

335 members were recorded as present.

Reps. Marshall French and Spirou moved that the House adjourn.  
Adopted.

The House adjourned at 4:35 p.m.

# HOUSE JOURNAL 37

*Wednesday, 18 May77*

The House met at 11:00 a.m.

Prayer was offered by House Chaplain, Milton L. Smith, Sr.

Lord, we have time, we have plenty of time, all the time that You give us, the years of our lives, the days of our years, the hour of our days, they are all there are, they are all ours. Ours to fill, quietly, calmly, but to fill completely, up to the brim, to offer them to You, that of their common water You may make a rich wine such as You made once in Cana of Galilee. We are not asking You, Lord, for time to do this and to do that, but Your grace to do conscientiously, in the time that You give us, what You want us to do. Amen!

Rep. Kashulines led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Belhumeur, Forsaith Daniels, Bartlett, Burrows, William Boucher, Maglaras, Richards, Waters, Ruel, Kelly and LeBrun, the day, illness.

Reps. Mansfield, McLane, Nemzoff-Berman, Keefe, D'Amante, Levesque, Barka, Baker, Danforth and Slack, the day, important business.

## INTRODUCTION OF GUESTS

Mrs. Katherine Wheeler of Durham, guest of Rep. Voll; Douglas Ingram, student at Marshwood Junior High School and grandson of Rep. Ingram, guest of Rep. Splaine; Fourth grade students from Raymond, and teacher, Mrs. Wheeler, guests of the House, Mrs. Beatrice Lasskey, mother and guest of Rep. Lessard.

## SENATE MESSAGE

### INTRODUCTION OF SENATE BILLS

First, second reading and referral  
SB 209, relative to the publication of tax sale notices. (Municipal and County Government)

SB 234, allowing a member of the retirement system on insurance disability to continue to pay into the retirement system. (Executive Departments and Administration)

SB 202, relative to appropriations for the rehabilitation of the memorial bridge in Portsmouth. (Public Works)

SB 317, relative to elderly tax exemptions for residential real estate. (Municipal and County Government)

SB 324, requiring an annual financial statement from a person, association or corporation conducting horse or dog races and meets. (Regulated Revenues)

SB 350, authorizing games of chance at agricultural fairs and nonprofit fundraising activities and permitting local officials to receive reports of beano games. (Regulated Revenues)

SB 369, authorizing the town of Littleton to exceed its bonded indebtedness to cover present indebtedness of the Littleton water and light department. (Municipal and County Government)

SB 128, to include licensed pastoral counselors in the category of services authorized under minimum mental illness coverage under major medical and non-major medical accident and health insurance. (Commerce and Consumer Affairs)

SB 138, relative to an alternative form of county government. (Municipal and County Government)

SB 302, relative to the time for completing improvements of subdivisions for vesting rights thereafter. (Municipal and County Government)

SB 184, relative to the time involved for a final disposition of a neglected child and providing that the placement of a neglected child, person in need of supervision or delinquent child shall not be at state expense. (Judiciary)

SB 307, relative to deceased funeral directors. (Commerce and Consumer Affairs)

SB 17, permitting nonprofit social clubs holding a liquor license to charge members and guests to cover entertainment costs. (Regulated Revenues)

SB 106, relative to the policy of the state concerning advertising by state agencies. (Regulated Revenues)

SB 314, permitting the assembly and voluntary participation of public school pupils in the free exercise of religion during a 5 minute period before the start of the official school day. (Constitutional Revision)

SB 121, providing for the defense and indemnification of state officers and employees against certain claims. (Judiciary)

SB 287, amending the state operating budget and making an appropriation therefor. (Appropriations)

SB 343, making an appropriation for the American and Canadian French cultural exchange commission. (Interstate Cooperation)

SB 345, making a supplemental appropriation to nurses registration board. (Appropriations)

SB 206, relative to the salary of an unclassified employee as it relates to the salary of a subordinate classified or unclassified employee. (Executive Departments and Administration)

SB 325, amending the charter of the union school district of Keene to provide that a candidate for school district office shall file his declaration of candidacy no earlier than 45 days and no later than the fifth Monday next preceding the district election. (Education)

SB 328, restructuring the office of legislative services and creating an office of revisor of the statutes. (Legislative Administration)

SB 358, relative to the denial of an application for a credit card. (Commerce and Consumer Affairs)

SB 56, establishing an adoptive care act. (Health and Welfare)

SB 357, relative to sovereign immunity of the state. (Judiciary)

SB 10, relative to prejudgment attachments. (Judiciary)

SB 87, prohibiting adult persons of the same sex from consorting in a lewd or licentious manner in a public place. (Judiciary)

SB 346, relative to liens on mobile home park owners. (Judiciary)

SB 348, relative to qualifications for admission to practice law and establishing a special fund derived from bar applicant fees for the use of the supreme court. (Judiciary)

SB 363, revising guardianship procedures. (Judiciary)

CACR 23, Relating to: A Citizens' Referendum on any General Sales or Income Tax. Providing that: Sales and Income Taxes may not take effect until after approval by a Majority of the qualified voters of the state present and voting on the subject. (Constitutional Revision)

CACR 13, Relating to: Legislative Districts. Providing that: A town, ward, or place may by referendum request that the Legislature divide it into two or more Representative or Senatorial districts. (Constitutional Revision)

CACR 25, Relating to: The Executive Council. Providing that: the executive council be abolished and its powers to confirm various appointments be vested in the Senate. (Constitutional Revision)

#### INTRODUCTION OF HOUSE BILL

First second reading and referral

HB 1191, making appropriations for capital improvements. (Appropriations)

#### SENATE MESSAGE

##### CONCURRENCE WITH HOUSE AMENDMENTS

SB 61, relative to the treatment of juveniles as adults in criminal cases.

SB 25, relative to sweepstakes commission funds.

SB 1, relative to the duties of city and town clerks for voter registration.

SB 2, permitting optometrists to advertise prices for glasses and contact lenses.

SB 73, permitting members of the New Hampshire Fair Association to hold on-sale permits.

SB 72, instructing the commissioner of resources and economic development to erect a commemorative marker on the Hampton harbor pier commemorating the Irving F. Jones family for contributions to commercial fishing.

#### SENATE MESSAGE

##### CONCURRENCE

HB 406, authorizing license and permit for restaurants in Landaff.

HB 761, relative to the destruction of certain papers in the department of labor.

HB 783, requiring the labor commissioner to issue a decision in a wage claim hearing within 30 days of the hearing.

HB 495, relative to a charge for checks returned to a city or town as uncollectible.

HB 91, relative to assessing a charge for checks returned to all state agencies.

HB 713, amending the title of RSA 126.

#### ENROLLED BILLS AMENDMENT

HB 288, relative to emergency medical technicians. (Amendment printed SJ 5/3)

This amendment corrects a line numbering error in the bill.

#### SENATE MESSAGE

##### REQUEST CONCURRENCE WITH SENATE AMENDMENT

HB 328, prohibiting the removal of sand or vegetation from a sand dune and providing a penalty therefor. (Amendment printed in SJ 4/3)

Rep. Greene moved that the House nonconcur, and request a committee of conference.

Adopted.

The Speaker appointed Reps. Greene, Felch, Anthony Randall and Niebling.

A quorum count was requested.

The Speaker declared a quorum present.

The Speaker called for the special orders.

HB 537, relative to licensing pet shops and certain animal shelters. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill is certainly meritorious and can be implemented with little additional expense to the Department of Agriculture.

#### Amendment

Amend RSA 443-A:2, VI as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

VI. All license fees shall be deposited in the state treasury.

Amendment adopted.

Rep. Sabbow offered an amendment.

#### Amendment

Amend RSA 443-A:2, I (a) as inserted by section 3 of the bill by striking out said subparagraph and inserting in place thereof the following:

(a) For pet shop as defined by RSA 443-A:1-a, III, an annual fee of \$50.

The Clerk read the amendment.

Rep. Sabbow spoke to his amendment.

Amendment adopted.

Ordered to third reading.

Rep. George Wiggins requested a quorum count.

The Speaker declared a quorum present.

HB 586, to provide for the licensing and regulation of plumbers and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill will qualify New Hampshire plumbers to work on large construction jobs. The committee amendment will



allow an individual to make minor repairs on his own property without a license.

#### Amendment

Amend RSA 329-A:2, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. "Apprentice" means any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program acceptable to the board.

Amend RSA 329-A:9 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

329-A:9 Licenses; Journeyman Plumbers. Any person who, having successfully completed his apprenticeship in plumbing, has received an official completion certificate from the organization conducting the program shall, upon payment of a fee of \$15, be entitled to examination and, if found qualified by a majority of the members of the board, shall be licensed as a journeyman plumber and shall receive a certificate thereof under the seal of the board and with the signature of the secretary, which shall state the facts and which shall be carried on the person and displayed at any time upon request. Any journeyman plumber refused a license may be re-examined at any subsequent meeting of the board within one year of the time of the refusal without additional fee and thereafter may be examined as often as he may desire upon payment of a fee of \$15 for each examination.

Amend RSA 329-A:13 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. To a bona fide owner who repairs or replaces plumbing in his own residence or who makes minor repairs to property owned by him.

Amendment adopted.

Rep. Carswell offered an amendment.

#### Amendment

Amend RSA 329-A:13, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. To a person who installs, replaces or repairs plumbing in his own residence, or during construction of a building to be his own residence.

The Clerk read the amendment.

Rep. Carswell spoke to her amendment.

Reps. James White, LaMott and Leonard Smith spoke against the amendment.

Reps. Roderick Allen and George

Wiggins spoke in favor of the amendment.

Amendment adopted.

Rep. Roderick Allen spoke against the committee report.

Rep. Bibbo spoke in favor of the committee report.

Rep. Chandler moved that HB 586 be Indefinitely Postponed, and spoke to his motion.

Rep. LaMott spoke against the motion.

Rep. Buckman requested a quorum count. The Speaker declared a quorum present.

Rep. Crory spoke against the motion.

Rep. Quimby moved the previous question. Sufficiently seconded. Adopted.

Rep. Roderick Allen moved that HB 586 be laid upon the table.

Rep. Parr requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 121 NAYS 148

YEAS 121

BELKNAP: Gary Dionne, Marsh and Morin.

CARROLL: Roderick Allen, Dickinson and Howard.

CHESHIRE: Chase, Galloway, Anne Gordon, Irvin Gordon, Krause, Ladd, Parker, Proctor, Whipple and Terry Wiggin.

COOS: Bradley Haynes, Horton, Huggins, Mabel Richardson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Ira Allen, Buckman, Clark, Dearborn, Gemmill, Mann, McAvoy, Neil McIver, Rounds, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Belanger, Bosse, Burke, Carswell, Coburn, Mark Connolly, Crotty, Cullity, William Desmarais, Drewniak, Clyde Eaton, Joseph Eaton, Girolimon, Granger, Sal Grasso, Howard Humphrey, Karnis, Knight, Lachance, Miller, Timothy O'Connor, Orcutt, Pelletier, Arnold Perkins, Podles, Polak, Simard, Sing, St. George, Geraldine Watson and Emma Wheeler.

MERRIMACK: Bellerose, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Camache, Richard Hanson, Pardy, Pratt, Ralph, Rich, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Wiviott.

ROCKINGHAM: Blake, Davis, Beverly Gage, Gaskill, Goff, Kane, King, Lovejoy, Maynard, Nelson, Parr, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Webster and Wolfesen.

STRAFFORD: Appleby, Burchell, Canney, Donnelly, Dianne Herchek, James Herchek, Joos, Preston, Schreiber, Donald Smith, Tripp, Valley and Voll.

SULLIVAN: Brodeur, Frizzell, Lucas, Scott, Spaulding and Sara Townsmed.

NAYS 148

BELKNAP: Beard, Bowler, Marshall French, Michael Hanson and Nighwander.

CARROLL: Claflin, Found, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Daniel Eaton, Fillback, Elmer Johnson, Russell, Scranton, Terry and Vrakatisis.

COOS: Burns, Cooney, Fortier, George Lemire, Oleson, Patenaude, Willey, Neila Woodward and York.

GRAFTON: Aldrich, George Cate, Chambers, Copenhaver, Cornelius, Crory, Duhaime, Myrl Eaton, Hough, LaMott, Logan, Snell, Stomberg, Taylor and Ward.

HILLSBOROUGH: Ainley, Aubut, Bernier, Wilfrid Boisvert, Roland Boucher, Brody, Corser, Catherine-Ann Day, Arline Dion, L. Penny Dion, Gabrielle Gagnon, Nancy Gagnon, Cort Hansen, Head, Heald, Daniel Healy, Thomas Hynes, Kaklamanos, Lyons, Marcoux, Martin, McDonough, McLaughlin, Fred Murray, Nardi, Normand, O'Neil, Peters, Plomaritis, Record, Henry Richardson, Leonard Smith, Spirou, Stahl, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Wallin, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Ayles, Bibbo, Bodi, Foley, Hess, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, McNichol, Packard, Pelton, Plourde, Rice, Tarr, Trachy and Ernest Valliere.

ROCKINGHAM: Akerman, Aller, Benton, Bisbee, Blanchette, Carpenito, Cotton, Cutcliffe, Robert Day, Erler, Flanagan, Ganley, Gould, Greene, Griffin, Hartford, Hoar, Kashulines, Laycock, Donna McEachern, Norton, Quimby, Anthony Randall, Rogers, Sanborn, Scamman, Stimmell, Vlack and Wojnowski.

STRAFFORD: Charles Grassie, Lefavour, Lessard, Meader, Rod O'Connor, Osgood, Sackett, Torrey and Allen Wilson.

SULLIVAN: Barrus, Desnoyer, Gray, Ingram, Lewko, Palmer and George Wiggins, and the motion lost.

Question being on the Chandler motion to Indefinitely Postpone.

Rep. Chandler requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 111 NAYS 162

YEAS 111

BELKNAP: Marsh.

CARROLL: Roderick Allen and Howard.

CHESHIRE: Chase, Galloway, Anne Gordon, Ladd, Parker and Whipple.

COOS: Bradley Haynes, Huggins, George Lemire, Mabel Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Clark, Dearborn, Gemmill, Mann, McAvoy,

Rounds, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Belanger, Wilfrid Boisvert, Bosse, Burke, Coburn, Crotty, Cullity, William Desmarais, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Sal Grasso, Daniel Healy, Howard Humphrey, Karnis, Lachance, Miller, Morgan, Fred Murray, Timothy O'Connor, Pelletier, Arnold Perkins, Podles, Polak, Simard, Sing, Wallace, Geraldine Watson and Emma Wheeler.

MERRIMACK: Ayles, Carroll, John Cate, Milton Cate, Chandler, Eugene Daniell, Gamache, Richard Hanson, James Humphrey, Pratt, Rich, Doris Riley, Gerald Smith, Stockman and Doris Thompson.

ROCKINGHAM: Cutcliffe, Davis, Beverly Gage, Gaskill, Gould, Kane, Nelson, Norton, Parr, Anthony Randall, Rogers, Schwaner, Skinner, Alfreda Smith, Splaine, Tavitian, Webster, Helen Wilson and Wolfson.

STRAFFORD: Appleby, Burchell, Canney, Joos, Meader, Preston, Donald Smith, Tripp and Voll.

SULLIVAN: Barrus, Brodeur, Frizzell, Gray, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 162

BELKNAP: Beard, Bowler, Gary Dionne, Marshall French, Michael Hanson, Morin, Nighswander.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Daniel Eaton, Fillback, Irvin Gordon, Elmer Johnson, Krause, Proctor, Russell, Scranton, Terry, Vrakatisis and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Horton, Oleson, Patenaude and Neila Woodward.

GRAFTON: Aldrich, Chambers, Copenhaver, Cornelius, Crory, Duhaime, Myrl Eaton, Hough, LaMott, Logan, Neil McIver, Snell, Stomberg, Taylor and Ward.

HILLSBOROUGH: Ainley, Aubut, Bernier, Roland Boucher, Brody, Carswell, Mark Connolly, Corser, Catherine-Ann Day, Arline Dion, L. Penny Dion, Nancy Gagnon, Girolimon, Granger, Cort Hansen, Head, Heald, Thomas Hynes, Kaklamanos, Knight, Lyons, Marcoux, Martin, McDonough, McLaughlin, Nardi, Normand, O'Neil, Orcutt, Peters, Plomaritis, Record, Henry Richardson, Leonard Smith, Spirou, St. George, Stahl, Francis Sullivan, Harold Thomson, Van Loan, Wallin, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Bibbo, Bodi, Foley, Hess, Polly Johnson, Kidder, Donna MacIvor, McNichol, Packard, Pardy, Pelton, Plourde, Ralph, Rice, Shepard, Tarr, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Aller, Benton, Bisbee, Blake, Blanchette, Carpenito, Cotton, Cunningham, Robert Day, Erler, Flanagan, Ganley, Goff, Greene, Griffin, Hartford, Hoar, Kashulines, King, Laycock, Lovejoy, Maynard, Donna McEachern, Quimby, Sanborn, Scamman, Stimmell, Vlack and Wojnowski.

STRAFFORD: Donnelly, Charles Grassie, Dianne Herchek, James Herchek, Lefavour, Lessard, Rod O'Connor, Osgood, Sackett, Schreiber, Torrey, Valley and Allen Wilson.

SULLIVAN: Desnoyer, Ingram, Lewko, Lucas and Palmer, and the motion lost.

Ordered to third reading.

Rep. Raymond Conley wished to be recorded against the motion to table on HB 586.

#### RECESS

HB 608, relative to the responsibilities and reorganization of the division of mental health and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

#### Amendment

Amend RSA 126-D:11 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-D:11 Superintendent of New Hampshire Hospital. The director of the division of mental health and developmental services, after consultation with the advisory commission and the commissioner, shall nominate one or more persons duly qualified through training or experience to serve as superintendent of the New Hampshire hospital. From those nominated the governor and council shall appoint a superintendent who shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. The superintendent shall be responsible for the administrative and executive direction of New Hampshire hospital. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

Amend RSA 126-D as inserted by section 1 of the bill by striking out section 26 and renumbering the original sections 27-41 to read as:

26, 27, 28, 29, 30, 31,  
32, 33, 34, 35, 36, 37,  
38, 39, 40 respectively.

Amend the bill by striking out sections 15 and 16 and renumbering sections 17 and 18 to read as:

15 and 16 respectively.

Amendment adopted.

Ordered to third reading.

HB 545, providing for the licensing of social workers on a trial basis and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

#### Amendment

Amend RSA 331-C:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

331-C:5 Board Member Compensation. The members of the board shall serve without compensation.

Amend RSA 331-C:10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

331-C:10 Disposition of Monies. The board shall receive and account for all monies received by it under this chapter and shall pay over the same to the state treasurer.

Amend RSA 331-C:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

331-C:15 Privileged Communications. No person licensed under this chapter may disclose any information he may have acquired from persons consulting him in his professional capacity which was necessary to enable him to render services in his professional capacity to those persons except: (a) to his employer; (b) in a civil or criminal suit when the disclosure relates directly to the fact or immediate circumstances of the crime or issue in controversy; (c) in any matter which is the subject of a hearing, either criminal or civil, against the social worker for malpractice; or (d) with the written consent of the client, or in the case of his death or disability, of his personal representative or other person authorized to sue or of the beneficiary of an insurance policy on his life, health, or physical condition.

Rep. Lawton moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Nighswander, Hess and Blanchette spoke against the motion.

Reps. Barrus, Fred Murray and George Wiggins spoke in favor of the motion.

Rep. Copenhagen requested a quorum count.

The Speaker declared a quorum present.

Rep. Cornelius spoke against the motion.

Rep. Eugene Daniell spoke in favor of the motion.

Rep. Blanchette requested a quorum count.

The Speaker declared a quorum present.



Rep. Doris Thompson moved the previous question. Sufficiently seconded. Adopted.

Rep. Lawton requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 169 NAYS 132  
YEAS 169

BELKNAP: Marshall French, Michael Hanson, Lawton, Marsh and Morin.

CARROLL: Raymond Conley, Dickinson, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Ladd, Matson, Moore, Parker, Vrakatitsis and Whipple.

COOS: Burns, Cooney, Fortier, Horton, Huggins, Hunt, Oleson, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Mann, McAvoy, Rounds, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ainley, Alter, Arnold, Belanger, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Bridges, Burke, Coburn, Mark Connolly, Joseph Cote, Crotty, Cullity, Currier, William Desmarais, L. Penny Dion, Drewniak, Gelinas, Granger, Daniel Healy, Howard Humphrey, Thomas Hynes, Knight, Lachance, Martineau, McLaughlin, Miller, Fred Murray, O'Neil, Paradis, Pelletier, Peters, Polak, Quigley, Record, Henry Richardson, Simard, Sing, Edward Smith, Soucy, Stylianos, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Emma Wheeler, James J. White, M. Arnold Wight and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, Carroll, John Cate, Chandler, Eugene Daniell, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Kidder, Donna MacIvor, Pratt, Ralph, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Akerman, Benton, Bisbee, Blake, Cotton, Cummings, Cunningham, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Goff, Kane, Nelson, Norton, Anthony Randall, Rogers, Scamman, Schwaner, Stratton, Tavitian, Vlack, Webster and Wolfsen.

STRAFFORD: Appleby, Canney, Donnelly, Joncas, Joos, Lefavour, Maloomian, Nadeau, Osgood, Preston, Dennis Ramsey, Torrey, Tripp and Voll.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Lewko, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 132

BELKNAP: Beard, Bowler, Gary Dionne, Nighswander and Sanders.

CARROLL: Roderick Allen, Claflin and Found.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Krause, Marshala, Proctor, Margaret Ramsay, Russell, Terry and Terry Wiggin.

COOS: Bradley Haynes, George Lemire, Patenaude, Poulin, Willey and Wiswell.

GRAFTON: Copenhaver, Cornelius, Crory, Gemmill, Hough, Logan, Neil McIver, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Brody, Carswell, Colson, Corser, Margaret Cote, Coughlin, Catherine-Ann Day, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Cort Hansen, Head, Kaklamanos, LaFleur, Martin, McDonough, McGlynn, Morrison, Nardi, Orcutt, Pappas, Plomaritis, Podles, St. George, Stahl, Francis Sullivan, Wallin, Robert Wheeler, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Milton Cate, Foley, Hess, LaBonte, McNichol, Packard, Pardy, Pelton, Rice, Rich, Trachy and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Appel, Blanchette, Campbell, Carpenito, Collins, Dunfee, Ganley, Gould, Griffin, Hartford, Hoar, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Joseph McEachern, Niebling, Pucci, Quimby, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmel, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Meader, Morrisette, Rod O'Connor, Sackett, Schreiber, Donald Smith, Valley, Shirley White and Allen Wilson.

SULLIVAN: Frizzell, Ingram, Palmer and Tucker, and the motion passed.

Rep. Lawton moved that HB 545 be indefinitely postponed.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 165 NAYS 135  
YEAS 165

BELKNAP: Marshall French, Michael Hanson, Lawton, Marsh and Morin.

CARROLL: Raymond Conley, Dickinson, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Fillback, Galloway, Anne Gordon, Irvin Gordon, Hogan, Elmer Johnson, Ladd, Marshala, Matson, Moore, Parker, Vrakatitsis and Whipple.



COOS: Cooney, Fortier, Horton, Huggins, Hunt, Oleson, Mabel Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Dearborn, Duhaime, Myrl Eaton, Mann, McAvoy, Rounds, Glyneta Thomson and Madeline Townsend.

HILLSBOROUGH: Ainley, Alter, Arnold, Belanger, Bernier, Emile Boisvert, Wilfrid Boisvert, Bosse, Bridges, Burke, Coburn, Mark Connolly, Joseph Cote, Crotty, Cullity, William Desmarais, L. Penny Dion, Dreniak, Gelinas, Granger, Daniel Healy, Howard Humphrey, Thomas Hynes, Lachance, Martineau, McLaughlin, Miller, Fred Murray, O'Neil, Paradis, Pelletier, Peters, Polak, Quigley, Record, Henry Richardson, Simard, Sing, Soucy, Stylianos, Francis Sullivan, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Emma Wheeler and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Chandler, Eugene Daniell, Gamache, Richard Hanson, James Humphrey, Polly Johnson, Donna MacIvor, Pratt, Ralph, Doris Riley, Shepard, Gerald Smith, Stockman, Doris Thompson and Ernest Valliere.

ROCKINGHAM: Akerman, Benton, Bisbee, Blake, Cotton, Cummings, Cunningham, Robert Day, Erler, Flanagan, Beverly Gage, Carl Gage, Coff, Kane, Joseph McEachern, Nelson, Norton, Anthony Randall, Rogers, Scamman, Schwaner, Stratton, Tavitian, Vlack, Webster and Wolfson.

STRAFFORD: Appleby, Canney, Donnelly, Hebert, Joncas, Joos, Lefavour, Maloomian, Nadeau, Osgood, Preston, Dennis Ramsey, Tripp and Voll.

SULLIVAN: Barrus, Brodeur, Desnoyer, Gray, Ingram, Lewko, Scott, Spaulding, Sara Townsend and George Wiggins.

NAYS 135

BELKNAP: Beard, Bowler, Gary Dionne, Nighswander and Sanders.

CARROLL: Roderick Allen, Claflin and Found.

CHESHIRE: Chase, Close, Dostilio, Daniel Eaton, Krause, Proctor, Margaret Ramsey, Russell, Terry and Terry Wiggin.

COOS: Bradley Haynes, George Lemire, Patenaude, Poulin, Willey and Wiswell.

GRAFTON: Copenhaver, Cornelius, Crory, Gemmill, Hough, Logan, Neil McIver, Taffe, Ward and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Roland Boucher, Brody, Carswell, Colson, Corser, Margaret Cote, Coughlin, Currier, Catherine-Ann Day, Arline Dion, Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Cort Hansen, Head,

Kaklamanos, Knight, LaFleur, Martin, McDonough, McGlynn, Morrison, Nardi, Orcutt, Pappas, Plomaritis, Podles, Edward Smith, St. George, Stahl, Wallin, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and John Winn.

MERRIMACK: Blakeney, Bodi, Carroll, Foley, Hess, LaBonte, McNichol, Packard, Pardy, Pelton, Rice, Rich, Trachy and Wiviott.

ROCKINGHAM: Aeschliman, Aller, Appel, Blanchette, Campbell, Carpenito, Collins, Dunfee, Ganley, Gould, Griffin, Hartford, Hoar, Kraser, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nieblung, Pucci, Quimby, Sanborn, Skinner, Alfreda Smith, Splaine, Stimmell, Helen Wilson, Wojnowski and Zabarsky.

STRAFFORD: Burchell, Charles Grassie, Dianne Herchek, James Herchek, Meader, Morrisette, Rod O'Connor, Sackett, Schreiber, Donald Smith, Torrey, Valley, Shirley White and Allen Wilson.

SULLIVAN: Frizzell, Palmer and Tucker, and HB 545 was indefinitely postponed.

HB 590, relative to a return transfer of funds from the division of welfare to the division of mental health. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Transfers \$100,000 from welfare fund to division of mental health for community mental health centers. Never used for third party payments for mental health centers as intended.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Authorizing Return Transfer of Funds from Division of Welfare to Division of Mental Health. Amend 1975, 505:21 as amended by 1976, 36:1 by inserting after paragraph II the following new paragraph:

III. \$100,000 that still remains of the \$287,970 transferred from the division of mental health pursuant to paragraph II, which will not be necessary to match federal funds for the purpose of reimbursing community mental health facilities in New Hampshire for services rendered to public welfare clientele under the medicaid program, shall be returned to and is hereby appropriated to the division of mental health to be allocated to community mental health agencies during fiscal year 1977.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

Rep. Parr wished to be recorded in favor of HB 590.

HB 1027, relative to funeral expenses for recipients of public assistance. Ought to Pass. Rep. Tucker for Appropriations.

This bill makes payment of funeral expenses for recipients of public assistance by the Division of Welfare mandatory.

Rep. Marsh moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Reps. Spaulding and Fred Murray spoke against the motion.

Rep. Dearborn spoke in favor of the motion.

Rep. James J. White moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Ordered to third reading.

HB 1048, relative to the workmen's compensation law. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill allowing for increased workmen's compensation benefits has merit and will have a limited impact on state government. The bill eliminates an administrative provision dealing with state employees that is currently in the statutes. The committee amendment reinstated this provision. Committee vote was unanimous.

#### Amendment

Amend section 2 of the bill by striking out same and renumbering sections 3, 4, 5, 6, 7, 8, 9 and 10 to read as follows:

2, 3, 4, 5, 6, 7, 8 and 9, respectively.

Further amend the bill by striking out the renumbered section 8 and renumbering section 9 to read as follows:

8

Amendment adopted.

Ordered to third reading.

Rep. Marshall French moved that debate be limited to one-half hour equally divided on all appropriation legislative specials, exclusive of the operating budget.

Rep. Richard Hanson moved to amend the motion, that it be twenty minutes equally divided.

Rep. Close spoke against the amendment. Rep. Hanson spoke in favor of the amendment.

Rep. George Wiggins spoke against the amendment and subsequently withdrew.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted. Hanson amendment adopted.

Question being on the motion as amended.

Adopted.

HB 452, relative to the operation of state liquor stores on Sundays and making

an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill authorizes the Liquor Commission to open 13 stores on Sundays. The Committee amendment adds Easter to the days exempted from this provision and limits to two the number of Sundays that an employee may be required to work in one month. The projected revenue is \$2.4 million.

#### Amendment

Amend RSA 177:2-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

177:2-c Sunday Opening. The authority of the liquor commission to make rules and regulations relative to sale of liquor shall include the right to provide that no more than 13 stores may be open for business on any Sunday except January first, Easter, July fourth or Christmas day, whenever such days fall on a Sunday. Each employee shall be compensated 1-1/2 times his regular rate of pay for the actual number of hours worked. Employees may be assigned by the liquor commission and deployed to any store operating on a Sunday schedule; provided, however, no employee shall be required to work more than 2 Sundays during any month. No store shall open for business on a Sunday prior to 1:00 p.m. and shall be closed by 8:00 p.m.

Amendment adopted.

Rep. Sanborn moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Lawton, James J. White, Bridges, Cunningham and George Lemire spoke against the motion.

Rep. Niebling spoke in favor of the motion.

Rep. Chandler moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 127 NAYS 209

YEAS 127

BELKNAP: Beard, Bowler, Gary Dionne, Hildreth, Nighswander and Kenneth Randall.

CARROLL: Towle.

CHESHIRE: Chase, Fillback, Anne Gordon, Irvin Gordon, Elmer Johnson, Lynch, Matson, Proctor, Russell and Scranton.

COOS: Bradley Haynes, Huggins, Oleson, Patenaude, Poulin and Theriault.

GRAFTON: Chambers, Clark, Copenhaver, Crory, Gemmill, Logan, Neil McIver, Rounds, Taffe and Madeline Townsend.

HILLSBOROUGH: Ahern, Bernier, Brody, Carswell, Corser, Margaret Cote, Coughlin,

Currier, Catherine-Ann Day, William Desmarais, L. Penny Dion, Dupont, Gabrielle Gagnon, Nancy Gagnon, Head, Heald, Kaklamanos, LaFleur, Marcoux, Martin, McGlynn, Orcutt, Peters, Plomaritis, Record, Edward Smith, Leonard Smith, Spirou, St. George, Stahl, Harold Thomson, Geraldine Watson, and M. Arnold Wight.

MERRIMACK: Carroll, Eugene Daniell, Richard Hanson, Polly Johnson, LaBonte, Mullin, Pardy, Ralph and Rich.

ROCKINGHAM: Aeschliman, Bisbee, Blanchette, Campbell, Carpenito, Collins, Cummings, Dunfey, Flanagan, Beverly Gage, Carl Gage, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Krasker, Laycock, Lovejoy, Joseph MacDonald, Maynard, Donna McEachern, Nelson, Niebling, Norton, Parolise, Anthony Randall, Rogers, Sanborn, Skinner, Alfreda Smith, Splaine, Stratton and Wojnowski.

STRAFFORD: Charles Grassie, Dianne Herchek, James Herchek, Horrigan, Lessard, Morrisette, Nadeau, Rod O'Connor, Preston, Dennis Ramsey, Sackett, Schreiber, Donald Smith and Valley.

SULLIVAN: Barrus, Frizzell and Spaulding.

NAYS 209

BELKNAP: Marshall French, Michael Hanson, Lawton, Marsh, Morin, James Murray and Sabbow.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Close, Dostilio, Daniel Eaton, Galloway, Hogan, Krause, Ladd, Marshala, Moore, Parker, Terry, Vrakatitsis, Whipple and Terry Wiggins.

COOS: Burns, Cooney, Fortier, Horton, Hunt, George Lemire, Mabel Richardson, Alcide Valliere, Willey, Wiswell, Neila Woodward and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Gate, Cornelius, Duhaime, Myrl Eaton, Hough, LaMott, Mann, McAvoy, Pepitone, Snell, Stomberg, Glyneta Thomson, Ward and Michael Woodard.

HILLSBOROUGH. Ainley, Alter, Arnold, Aubut, Belanger, Albert Bellemore, Emile Boisvert, Wilfrid Boisvert, Bosse, Roland Boucher, Brack, Bridges, Burke, Coburn, Colson, Mark Connolly, Joseph Cote, Crotty, Cullity, Arline Dion, Drewniak, Clyde Eaton, Joseph Eaton, Gelinias, Girolimon, Granger, Cort Hansen, Daniel Healy, George Healy, Howard Humphrey, Thomas Hynes, Karnis, Knight, Lachance, Lyons, Martineau, McDonough, McLaughlin, Miller, Morgan, Morrison, Fred Murray, Normand, Kerry O'Connor, Timothy O'Connor, O'Neill, Pappas, Paradis, Pelletier, Arnold Perkins, Podles, Polak, Quigley, Henry Richardson, Simard, Sing, Soucy,

Stylianios, Francis Sullivan, Van Loan, Wallace, Emma Wheeler, Robert Wheeler, James J. White, Cecelia Winn, John Winn and Ziakas.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, John Cate, Milton Cate, Chandler, Foley, Gamache, Hess, James Humphrey, Donna MacIvor, McNichol, Packard, Pelton, Plourde, Pratt, Rice, Doris Riley, Shepard, Gerald Smith, Stockman, Tarr, Doris Thompson, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Akerman, Aller, Appel, Benton, Blake, Connors, Cotton, Cunningham, Cutcliffe, Davis, Robert Day, Erler, Felch, Ganley, Goff, Kane, Kashulines, King, Joseph McEachern, Pucci, Scamman, Schwaner, Stimmell, Tavitian, Vlack, Webster, Helen Wilson, Wolfsen and Zabarsky.

STRAFFORD: Appleby, Burchell, Canney, Donnelly, Hebert, Joncas, Joos, Lefavour, Maloomian, Meader, Osgood, Torrey, Tripp, Voll, Shirley White and Allen Wilson.

SULLIVAN: Brodeur, Desnoyer, Gray, Ingram, Lewko, Lucas, Palmer, Scott, Sara Townsend, Tucker and George Wiggins, and the motion lost.

Ordered to third reading.

Rep. Ganley notified the Clerk that she inadvertently voted Nay and wished to vote Yea.

Rep. Parr wished to be recorded in favor of HB 452.

HB 196, authorizing the issuance of non-driver's picture identification cards. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill authorizes the Director of Motor Vehicles to issue non-driver's photo identification cards. The fee of \$2 will be sufficient to cover the cost of materials and administration of the program.

#### Amendment

Amend RSA 259:21, I, (a), as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) Is 18 years of age or older and does not possess a driver's license, or

Amend section 1 of the bill by inserting after RSA 259:21 the following new section:

#### 259:22 Disposition of Fees;

Reimbursement to the Highway Fund. The necessary expenses incurred under RSA 259:21 shall be a charge against the operating budget of the department of safety, division of motor vehicle, motor vehicle and driver safety, driver licensing. Pursuant to RSA 259:21, 25 percent of all fees collected shall be credited to the aforementioned department to reimburse operating expenditures and are hereby appropriated for that purpose. Seventy-five percent of all fees collected shall be credited as unrestricted revenue



to the highway fund. Upon prior approval of governor and council, transfers may be made from non-driver's picture identification card unrestricted revenue for other related expenditures, but in no event shall the cumulative annual transfers exceed 50 percent of all fees collected.

Amendment adopted.

Rep. Erler moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Sara Townsend and Griffin spoke against the motion.

Rep. Raymond Conley moved that HB 196 be made a Special Order for Tuesday, May 24, and spoke to his motion.

Motion lost.

Question being on the Erler motion.

Motion lost.

Question being on the committee report.

Ordered to third reading.

HB 232, increasing boat registration fees; revising the distribution of boat registration fees; requiring the issuance of annual boat number plates and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill requires the director of the division of motor vehicles to issue an individual number plate for each boat registered with the department. Five colors will be used on a rotating basis over five years. The bill also changes the fee schedule for boat registrations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

amending the method of charging boat registration fees; revising the distribution of boat registration fees; requiring the issuance of annual boat number plates and making an appropriation therefor.

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

4 New Registration System. Amend RSA 270:5, III as amended by striking out said paragraph and inserting in place thereof the following:

III. Private Boats. There shall be paid to said director for each registration for privately operated boats as follows:

(a) Any boat that is powered by an inboard or outboard motor shall have its registration fee determined by length in the following manner:

up to and including 16 feet	\$ 7
16.1 feet to 21 feet	\$12
21.1 feet to 31 feet	\$17
30.1 feet to 45 feet	\$24
45.1 feet and over	\$32

(b) sailboats, row boats and canoes powered by oars, paddles, or other human

power are exempt from fees under this paragraph unless such boats and canoes have an inboard or outboard motor in which case they shall be registered as provided in subparagraph (a).

(c) rental boats equipped to use an outboard or inboard motor shall pay the fee prescribed in subparagraph (a).

5 Redistribution of Fees. Amend RSA 270:6 by striking out said section and inserting in place thereof the following:

#### 270:6 Disposition of Revenues.

1. Except as provided in paragraph II, all fines collected under this chapter, all sums received from the state treasurer on account of the unrefunded motor vehicle road tolls, and the amount of fees generated by the prior fee schedule under RSA 270:5 shall be made available to the department of safety, division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter.

II. The balance of the fees received, including the increased amount generated by the new fee schedule under RSA 270:5.

III shall be deposited in the general fund.

6 Definition. Amend RSA 270:2, V by striking out said paragraph and inserting in place thereof the following:

V. The term "private boat" shall mean any boat, not a commercial boat, propelled by electric, human or mechanical power used exclusively for pleasure purposes by its owner, or others with his permission.

7 Citation Amended. Amend RSA 270:5, VII, (supp) as inserted by 1969, 482:2 as amended by striking out said paragraph and inserting in place thereof the following:

#### VII. Additional Registration Fees.

There shall be paid to said director in addition to the fees required by paragraph III an additional fee of one dollar for each registration required by said paragraphs. The director of the division of motor vehicles shall pay over said additional fees to the state treasurer who shall pay over said additional fees to the state treasurer who shall keep said fees in a special fund to be expended by the water resources board for the repair and maintenance of all dams under the jurisdiction of said board; provided, however, that no such expenditure shall be made by the water resources board without prior specific legislative authorization, except that in those instances where an individual project has received said prior specific legislative authorization an amount not in excess of 10 percent of the total individual project cost originally appropriated may be expended by the water resources board with governor and council approval for cost overruns. The water resources board shall present to each regular session of the legislature during the first week of the session proposals and requests for all work to be done during the ensuing biennium.

8 Repeal. RSA 270:5, IV relative to the fee on private boats; inboard type is hereby repealed.

9 Effective Date. This act shall take effect 60 days after its passage.



Amendment adopted.

Rep. Clark spoke to the committee report.

Rep. Marshall French offered an amendment.

#### Amendment

Amend the bill by inserting the following new section 6 and renumbering the existing sections 6 - 9 to read as 7, 8, 9 and 10 respectively.

6. Fee Flexibility Provided. The comptroller shall, not later than March 1, 1978, review the disposition of revenues raised under RSA 270:5, III, (a) and, to the extent it is determined that the fees charged thereunder materially exceed the direct and incidental costs of administering the provisions of RSA 270, the fees established by RSA 270:5, III, (a) shall be reduced proportionately.

The Assistant Clerk read the amendment.

Rep. French spoke to his amendment.

Amendment adopted.

Rep. George Wiggins spoke in favor of the committee report.

Rep. Dearborn spoke to the committee report.

Rep. Gemmill moved the previous question. Sufficiently seconded. Adopted.

Ordered to third reading.

HB 494, establishing a staggered registration system for motor vehicles and changing registration and municipal permit fees. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill will allow the Motor Vehicle division to more efficiently administer vehicle registrations. Automobiles are now on a staggered registration system. This bill brings other vehicles under the staggered system.

#### Amendment

Amend RSA 260:11, I as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

1. The registration of every motor vehicle, trailer, semi-trailer or tractor, registered in the name of a corporation, partnership or other legal entity other than a private individual or private individuals, shall expire at midnight on the last day of the month as designated by the director of the division of motor vehicles.

Amend RSA 262:1, I as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

262:1 Motor Vehicles. The director shall collect fees for registrations as follows:

#### I. Flat Fees:

(a) For agricultural vehicles, motor vehicle or truck used for agricultural and farming purposes only and used on the public highways within a radius of 20 miles from the main entrance

of the farm upon which said vehicle is operated, or used to transport animals and agricultural products to agricultural fairs and exhibits for exhibition purposes only, provided that such vehicle under such limited registration shall not be used for the purposes of transporting products for sale or for hire - \$2.

(b) For each farm truck or combination of motor type tractor and semi-trailer used only for the transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds - \$25; for any additional weight above 16,000 pounds - \$.60 per hundredweight.

(c) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes - \$25. (The farm truck or combination truck/tractor and semi-trailer so registered under 262:1, I, (b) and (c), shall not be used for the transportation of wood and lumber for sale other than from such farms on which the production of wood and lumber is incidental to other farm operations, nor shall such trucks be used for the retail delivery of milk. In the event that a farm truck registered under the \$25 fee as provided in RSA 262:1, I, (c), and thereafter registered for general use during the same registration year, such fee shall be applied toward the fee for such general registration.)

(d) For each tractor used for agricultural purposes only, each vehicle of a tractor type used for agricultural purposes only and used to draw another vehicle in such a way that part of the load is carried on such towing vehicle - \$2.

(e) For antique motor cars - \$5.

(f) For air compressors - \$5.

(g) For cement mixers - \$5.

(h) For saw rigs - \$5.

(If the equipment cited in 262:1, I, (f) - (h), is towed exclusively within the limits of a single city or town, the state registration fee shall not be collected.)

(i) For each road oiler or bituminous distributor - \$75.

(j) For each motorcycle - \$10.

(k) For each moped - \$3.

(l) for each motorcycle with side car - \$13.

(m) For each motor vehicle used exclusively as a school bus or a bus for transportation of minors to and from functions of religious organizations and nonprofit organizations - \$25. (The provisions of subparagraph (m) shall not apply to municipally owned vehicles nor to vehicles of public utilities or common carriers.)

(n) For each trailer or semi-trailer upon which is permanently mounted a power substation or transformer and associated equipment used for standby or emergency purposes in the public service - \$5.

(o) For motorized locomotives of the American Legion - \$5.

(p) For plates issued to motor vehicle repairmen for use on any unregistered motor vehicle not owned by him and temporarily in his custody for no other purpose than for the trial or adjustment of such motor vehicle - \$25 for the first set of plates, \$10 for each additional set of plates.

(q) For truck tractors, semi-trailers or automobile utility trailers, in the registration of each tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby:

0- 500 lbs. gross weight	\$ 2.00
501-1000 lbs. gross weight	4.00
1001-1500 lbs. gross weight	5.00
1501-3000 lbs. gross weight	10.00
3001-4500 lbs. gross weight	15.00
4501-6000 lbs. gross weight	25.00
6001-8000 lbs. gross weight	.50
per 100 lbs gross weight	
8001-Up	.60
per 100 lbs. gross weight	

For additional semi-trailer used in connection with such truck tractor, the registration fee shall be \$25.

(r) For equipment mounted on trucks of which the equipment is an integral part of the unit, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (q).

(s) For each motor vehicle, trailer, semi-trailer or tractor owned by or under the control of a manufacturer of or a dealer in motor vehicles, trailers, semi-trailers or tractors - \$50 per set for first 3 plates.

(1) For every additional plate-\$8.

(2) Dealer's temporary plate-\$50 each

(t) For motor vehicles owned by or under control of a motor vehicle junk licensee-\$25 up to first 6,000 lbs. Over 6,000 lbs. to 8,000 lbs., \$50 per 100 lbs. gross weight; 8,001 lbs. - up \$60 per 100 lbs. gross weight.

(u) For motorcycles owned or under the control of a manufacturer or dealer in motorcycles -\$15 per set for first 3 plates.

(1) For every additional plate -\$2.

(2) Temporary plate for motorcycle dealers-\$20 each.

(v) For mopeds owned or under the control of a manufacturer or dealer in mopeds-\$15 per set for first 3 plates.

(1) For every additional plate-\$2.

(2) Temporary plate for moped dealers-\$50 each.

(w) For each transporter-\$35. Additional sets of number plates at \$20 per set.

(x) For each utility dealer registration-\$35. Additional number plates at \$10 per plate.

Amendment adopted.

Ordered to third reading.

HB 596, amending the real estate transfer tax. Ought to Pass. Rep. Tucker for Appropriations.

This bill will generate \$1.6 million.

Rep. Blakeney offered an amendment.

#### Amendment

Amend RSA 78-B:1, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. A tax is imposed upon the sale, granting and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is \$.20 per \$100, or fraction part thereof, of the price or consideration for such a sale, grant or transfer. Notwithstanding the foregoing provisions, there shall be no tax as exempted by RSA 78-B:2.

Amend RSA 78-B:1 as inserted by section 1 of the bill by striking out paragraph II and renumbering the original paragraph III to read as II.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Payment of Tax. Amend RSA 78-B:4 as inserted by 1967, 320:1 by striking out said section and inserting in place thereof the following:

78-B:4 Payment of Tax by Purchaser. It is the duty and obligation of each purchaser, grantee, assignee, transferee or other person purchasing or acquiring any real estate or any interest therein to buy and attach to the instrument by which the real estate or interest therein is sold, granted, assigned or otherwise transferred stamps or in lieu of other indicia as approved by the department of revenue administration, in such amount as will indicate the full consideration paid for the real estate or any interest therein, acquired by him.

The Clerk read the amendment.

Rep. Blakeney spoke to his amendment.

Reps. Richard Hanson, Wallin, Kraker, Cunningham, George Healy and Helen Wilson spoke in favor of the amendment.

Reps. Elmer Johnson and Bednar spoke against the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 215 NAYS 128

YEAS 215

BELKNAP: Beard, Gary Dionne, Marshall French, Hildreth, Nighswander, Kenneth Randall and Sabbow.

CARROLL: Roderick Allen and Kenneth MacDonald.

CHESHIRE: Chase, Close, Fillback, Anne Gordon, Krause, Ladd, Lynch, Proctor, Margaret Ramsay, Russell, Terry, Vrakatitsis and Terry Wiggin.

COOS: Burns, Cooney, Bradley Haynes, Huggins, Hunt, George Lemire, Poulin, Alcide Valliere, Wiswell and Neila Woodward.

CRAFTON: Copenhaver, Cornelius, Crory, Gemmill, Logan, Mann, Pepitone, Rounds, Taffe and Michael Woodard.

HILLSBOROUGH: Ainley, Alter, Arnold, Aubut, Albert Bellemore, Bosse, Brody, Burke, Mark Connolly, Corser, Joseph Cote, Margaret Cote, Coughlin, Currier, Catherine-Ann Day, Arline Dion, L. Penny Dion, Drenniak, Gabrielle Gagnon, Gelinas, Girolimon, Cort Hansen, Head, Heald, Daniel Healy, Thomas Hynes, Kaklamanos, LaPlante, Armand Lemire, Lyons, Martin, McGlynn, Morgan, Morrison, Fred Murray, Normand, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pappas, Peters, Paul Riley, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Francis Sullivan, Harold Thomson, Van Loan, Wallin, Geraldine Watson, Cecelia Winn and John Winn.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, John Cate, Chandler, Eugene Daniell, Foley, Gamache, Richard Hanson, Hess, Kidder, LaBonte, Donna MacIvor, McNichol, Packard, Pardy, Pelton, Pratt, Ralph, Rice, Rich, Gerald Smith, Tarr, Doris Thompson, Trachy, Ernest Valliere, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Aller, Appel, Benton, Bisbee, Blake, Blanchette, Campbell, Carpenito, Chapman, Collins, Connors, Cotton, Cummings, Cunningham, Davis, Robert Day, Dunfee, Erler, Felch, Flanagan, Beverly Gage, Carl Gage, Ganley, Gould, Greene, Grieco, Griffin, Hartford, Hoar, Kane, Kashulines, King, Krasker, Laycock, Lovejoy, Joseph MacDonald, Donna McEachern, Joseph McEachern, Niebling, Norton, Parolise, Pucci, Quimby, Anthony Randall, Rogers, Sanborn, Schwaner, Skinner, Alfreda Smith, Splaine, Stimmell, Stratton, Tavitian, Vlack, Webster, Helen Wilson, Wojnowski, Wolfen and Zabarsky.

STRAFFORD: Appleby, Burchell, Charles Grassie, Dianne Hercheh, James Hercheh, Horrigan, Joos, Lefavour, Lessard, Morrisette, Rod O'Connor, Dennis Ramsey, Donald Smith, Torrey, Valley and Shirley White.

SULLIVAN: Barrus, Brodeur, Desnoyer, Frizzell, Gray, Lewko, Lucas, Palmer, Scott, Spaulding, Sara Townsend and Tucker.

NAYS 128

BELKNAP: Ambrose, Goyette, Michael Hanson, Lawton, Marsh, Morin and Sanders.

CARROLL: Claflin, Raymond Conley, Dickinson, Found, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Galloway, Irvin Gordon, Hogan, Elmer Johnson, Marshala, Matson, Moore, Parker, Scranton and Whipple.

COOS: Fortier, Horton, Oleson, Patenaude, Mabel Richardson, Theriault, Willey and York.

CRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Dearborn, Duhaime, Myrl Eaton, Hough, LaMott, McAvoy, Neil McIver, Snell, Glyneta Thomson, Madeline Townsend and Ward.

HILLSBOROUGH: Ahern, Bednar, Belanger, Bernier, Emile Boisvert, Wilfrid Boisvert, Roland Boucher, Brack, Bridges, Carswell, Coburn, Colson, Crotty, Cullity, William Desmarais, Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, George Healy, Howard Humphrey, Karnis, Knight, Lachance, Marcoux, Martineau, McLaughlin, Miller, Nardi, Paradis, Pelletier, Arnold Perkins, Plomaritis, Podles, Polak, Quigley, Henry Richardson, Seamans, Simard, Sing, St. George, Stylianos, Wallace, Emma Wheeler, Robert Wheeler, James J. White and Ziakas.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, Milton Cate, James Humphrey, Polly Johnson, Mullin, Doris Riley, Shepard and Stockman.

ROCKINGHAM: Cutcliffe, Gaskill, Goff and Nelson.

STRAFFORD: Canney, Donnelly, Hebert, Joncas, Maloomian, Meader, Nadeau, Osgood, Preston, Sackett, Schreiber, Tripp and Allen Wilson.

SULLIVAN: Ingram and George Wiggins, and the amendment was adopted.

Ordered to third reading.

Rep. Parr wished to be recorded in favor of the amendment on HB 596.

Rep. Marshall French moved that debate be limited to one hour equally divided on HB 1000, making appropriations for the expenses of certain departments of the state fiscal years ending June 30, 1978 and June 30, 1979,

Motion lost.

Rep. French moved that debate be limited to one and one half hours equally divided on HB 1000, and withdrew his motion.

Rep. Richard Hanson moved that debate be limited to fifty minutes equally divided on HB 1000.

Reps. Elmer Johnson and Dearborn spoke against the motion.

Rep. Hanson moved the previous question. Sufficiently seconded. Adopted.

On a voice vote, the Speaker was in doubt and requested a division.

109 members answering in the affirmative, and 160 in the negative, the motion lost.

Rep. Marshall French moved that HB 1000 be made a Special Order for Thursday, May 19 at 11:00 a.m., and spoke to his motion.

Rep. Spirou spoke in favor of the motion.

Rep. George Wiggins spoke against the motion.

Rep. Elmer Johnson spoke to the motion.

Rep. Richard Hanson moved the previous question. Sufficiently seconded. Adopted. Motion adopted.

Rep. Marshall French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday at 10:00 a.m. Adopted.

#### LATE SESSION

Third reading and final passage

HB 537, relative to licensing pet shops and certain animal shelters.

HB 586, to provide for the licensing and regulation of plumbers and making an appropriation therefor.

HB 608, relative to the responsibilities and reorganization of the division of mental health and making an appropriation therefor.

HB 590, relative to a return transfer of funds from the division of welfare to the division of mental health.

HB 1027, relative to funeral expenses for recipients of public assistance.

HB 1048, relative to the workmen's compensation law.

HB 452, relative to the operation of state liquor stores on Sundays and making an appropriation therefor.

HB 196, authorizing the issuance of non-driver's picture identification cards.

HB 232, amending the method of charging boat registration fees; revising the distribution of boat registration fees; requiring the issuance of annual boat number plates and making an appropriation therefor.

HB 494, establishing a staggered registration system for motor vehicles and changing registration and municipal permit fees.

HB 596, amending the real estate transfer tax.

#### RECONSIDERATION

Rep. Lawton moved that the House reconsider its action whereby it Indefinitely Postponed HB 545, providing for the licensing of social workers on a trial basis and making an appropriation therefor.

A division was requested.

126 members having answered in the affirmative and 215 in the negative, reconsideration lost.

Reps. Bridges and Plourde moved that the House adjourn. Adopted.

351 members were recorded as present.

The House adjourned at 4:30 p.m.



# HOUSE JOURNAL 38

Thursday, 19 May77

The House met at 10:00 a.m.

Prayer was offered by House Chaplain Milton L. Smith, Sr.

Good Morning Lord! I know it must break Your heart to realize that even those of us who seek to follow You would get carried away and crush the people around us, trying to satisfy our hungers for attention and power. And to think of how we so carelessly disregard those "people" out there by our actions here.

Help us not to kid ourselves about our real needs and desires and cloak them with phony righteous motives or plead "weakness" as an excuse for giving in to temptation. We realize that we are capable of almost any sin. Give us the courage to face You more realistically. I pray that You will make those things which are creative, beautiful, and constructive so attractive to us that we will run toward them . . . away from the decisions that cripple the world here and there.

And Lord, thank You for teaching in Your Book that You believe a person should be forgiven more than once. God set us free to be worthy of such forgiveness. Bless us with Your grace. Amen!

Rep. Lewko led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Welch, Belhumeur, Forsaith Daniels, Burrows, William Boucher, Waters, Ruel, LaFleur Walter Desmarais, and Dostilio, the day, illness.

Reps. Ayles, Dennis Ramsey, Stahl, Crotty, Morin, Vlack, Martineau, LeBrun, Blakeney, Cecelia Winn, John Winn, Rich, Chapman, Mansfield, Levesque, Slack and Ambrose, the day, important business.

## INTRODUCTION OF GUESTS

Fifth grade students from Dover and their teacher, Mr. Norman Fortier, guests of Rep. Valley; Elaine Whitney, guest of Rep. Howard.

## SENATE MESSAGE

### CONCURRENCE

HB 451, relative to the authority of the commissioner of revenue administration to collect the business profits tax.

HB 1011, relative to the approval of the Dover school district budget.

HB 868, relative to bilingual education.

HB 304, providing for the establishment of loan fund revolving accounts which meet certain federal requirements.

## SENATE MESSAGE

### ACCEDE TO REQUEST COMMITTEE OF CONFERENCE

HB 328, prohibiting the removal of sand or vegetation from sand dunes.

The President appointed Sens. Keeney, Bradley and Foley.

## ENROLLED BILLS AMENDMENT

HB 324, relative to the taking of bobcat and fisher. (Amendment printed in SJ May 18)

This amendment rennumbers a paragraph so it conforms to the numbering of HB 360 passed earlier in the session.

Adopted.

Rep. Buckman requested a quorum count. The Speaker declared a quorum present.

## COMMITTEE REPORTS

### (Regular Calendar)

HB 543, relative to mining and the reclamation of mined lands and making an appropriation therefor. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

This bill incorporates environmental safeguards for mining operations and exempts sod farms and nurseries.

## Amendment

Amend RSA 12-E:2, VII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII. "Mining" and "mining operations" means the process of extracting or removing in any form minerals, rocks, or earth materials from the surface or from beneath the surface of the land or from the waters or from beneath the waters of the state. It includes the removal or transport of other materials incidental to removing or extracting the sought-for materials. It includes the transportation, handling and storage of stone, diatomaceous earth, or, minerals, materials, overburden, waste, and tailings. It shall not include excavation or grading whose primary purpose is the preparation of a site for a construction project, or sod farming, or nursery gardening.

Amend RSA 12-E:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

12-E:8 Fee. A fee of \$100 shall be paid to the director upon submission of the mining plan and a renewal fee of \$100 shall be paid to the director upon each annual anniversary thereafter.

Amend the bill by striking out section 2 and renumbering section 3 to read as:

2

Amendment adopted.

Ordered to third reading.

HB 828, creating the position of deputy commissioner of health and welfare. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Unclassifies Deputy Commissioner of Health and Welfare, upgrades department business manager and eliminates present business manager position. Unanimous vote of Committee.

## Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Business Administrator V Abolished. If the position of business administrator V in the office of the commissioner of health and welfare becomes vacant for any reason, it shall be abolished.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 556, authorizing certain stores to sell table wine. Ought to Pass. Rep. Tucker for Appropriations.

This bill establishes a reasonable distribution for the sale of wine in retail outlets.

Ordered to third reading.

HB 1096, establishing and funding a highway transportation fund to aid the elderly and handicapped. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

Provides funds for a very necessary service to the elderly and handicapped.

## Amendment

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Highway Transportation Fund. Amend RSA 228 by inserting after section 15 the following new subdivision:

Highway Transportation Fund.

228:16 Highway Transportation Fund.

The sum of \$.50 shall be reserved from the fee for each inspection sticker furnished under RSA 260:15, and the sum of \$3 shall be reserved from the fee for filing an application for a first certificate of title under RSA 269-A:28, I (a) and for a certificate of title after a transfer under RSA 269-A:28, I (c). These sums shall be deposited by the director of motor vehicles into a separate highway transportation fund, which is hereby established. The sums collected shall be expended solely for the purposes of construction, reconstruction, development, maintenance and operation of modes of public highway passenger transportation which shall conform to federal statutes for the handicapped, with special emphasis on programs for the elderly and handicapped. No portion of such funds shall lapse except as provided by this section, nor be used for any other purposes, nor be transferred to any other appropriation.

5 Joint Legislative Committee

Established. There is hereby established a joint legislative committee consisting of 6 members, 3 of which shall be members of the house of representatives appointed by the speaker of the house and 3 shall be members of the senate appointed by the president of the senate. These members shall be appointed for a term of 120 days for the purpose of promulgating

regulations for the implementation and administration of the highway transportation fund established in RSA 228:16.

6 Effective Date. This act shall take effect July 1, 1977.

Amendment adopted.

Ordered to third reading.

Rep. French moved that HB 616, increasing certain fees charged by state agencies, be taken from the table.

Adopted.

## COMMITTEE REPORT

HB 616, increasing certain fees charged by state agencies. Ought to Pass with Amendment. Rep. McLane for Ways and Means. (Committee Amendment adopted May 12)

Rep. Marshall French offered an amendment.

## Amendment

Amend the bill by striking out section 113 and inserting in place thereof the following:

113 Fee Flexibility Provided. The comptroller shall, not later than January 1, 1979 review the disposition of revenues raised by each of the various fees increased under the provisions of this act and, to the extent it is determined that any of said fees materially exceeds the direct and incidental costs of administering the program or agency to which it applies, said fee shall be reduced proportionately.

114 Effective Date. This act shall take effect 60 days after its passage.

The Assistant Clerk read the amendment.

Rep. French spoke to his amendment.

Reps. McLane, Henry Richardson and Elmer Johnson spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

Rep. Crory wished to be recorded against HB 616.

Reps. Spirou and Chambers wished that their dissent, that "the bill's provisions are arbitrarily determined and unfairly applied," be entered on the Journal.

## SUPREME COURT OPINION ON HB 387

The undersigned justices of the Supreme Court, return the following reply to the inquiries contained in your resolution adopted April 28, 1977, and filed with this court on May 2, 1977.

Your first question requires us to determine whether the penalty assessment contemplated by House Bill 387 is a tax within the meaning of part II, articles 5 and 6 of the Constitution of New Hampshire. The penalty assessment would be used to provide funding for the police training programs established by the Police Standards and Training Council pursuant to RSA ch. 105-A (Supp. 1975). At least ten states have such a program to fund police training. See, e.g., Mass.

Gen Laws Ann. ch. 280 S 6 A (Supp. 1976) setting a twenty-five percent special cost assessment on fines to finance that state's training programs. Our answer is that those charges do not constitute taxes within the meaning of those sections. It has long been recognized that governmental undertakings can properly be supported in whole or in part by charges made upon those who necessitate the services or who avail themselves of the advantages offered thereby. *Niemiec v. King*, 109 N.H. 586, 258 A. 2d 356 (1969); Opinion of the Justices, 81 N.H. 552, 120 A. 629 (1923); see Opinion of the Justices, 93 N.H. 478, 39 A.2d 765 (1944). Such charges must, as is the case here, bear a relation to the expense of rendering the particular service. *Niemiec v. King* supra: Opinion of the Justices, 94 N.H. 501, 51 A.2d 836 (1947); *Marine Corps League v. Benoit*, 96 N.H. 423, 78 A.2d 513 (1951). Charges of this nature are not taxes, and constitutional limitations upon the taxing power have no application thereto. *Niemiec v. King* supra; Opinion of the Justices, 81 N.H. 552, 120 A.2d 629 (1923); see, e.g., RSA 604-A:9. Accordingly, the answer to your first question is "No." This response renders an answer to your second question unnecessary.

Your third inquiry raises the question of whether the penalty assessment imposed by House Bill 387 is an excessive fine or a penalty disproportional to the offense within the meaning of part I, article 18, of the Constitution of New Hampshire. This article applies to penalty charges, which are exactions imposed as punishment for the commission of an unlawful act. *United States v. LaFranca*, 282 U.S. 568, 572 (1931); *Lipke v. Lederer*, 259 U.S. 557, 561-62 (1922). The charges proposed by House Bill 387, however, are not intended for the purpose of punishment, but rather are levied to raise revenue for the training of police officers by imposing a special charge upon those who occasion the need for law enforcement. Accordingly, the penalty assessments provided for in House Bill 387 do not come within the meaning of N.H. Const., pt. I, art. 18, and the answer to your third question is "No."

Finally, you ask whether any part of House Bill 387 violates part I, article 18; part I, article 33, part II, article 5; part II, article 6; or any other provision of the Constitution of New Hampshire. We have discussed the applicability of part I, article 18 and part II, articles 5 and 6 above. As to part I, article 33, it is our opinion that part II of House Bill 387, which provides that penalty assessments shall be computed upon the basis of the offender's "total fine or bail", does violate that provision's prohibition against the imposition of excessive bail or sureties, as well as the similar prohibition of the eighth amendment to the United States Constitution. The purpose of the imposition of bail is to assure the

defendant's appearance in court, and therefore the amount of bail may be set no higher than that figure reasonably required to accomplish this result. See ABA Standards Relating to Pretrial Release S 5.3 (b) and (d) (Approved Draft, 1968). Once bail is set at an amount determined to be reasonable the addition of the assessment contemplated by House Bill 387 would render the total amount excessive, in violation of N.H. Const., pt. I, art. 33 and the eighth amendment of the United States Constitution. Such was the holding in California regarding the bail assessment provisions supporting that state's commission on peace officer standards and training *McDermott v. Superior Court*, 6 Cal. 3d 693, 493 P.2d 1161, 100 Cal. Rptr. 397 (1972).

According to a memorandum filed with this court the words "bail" and "forfeiture" in proposed RSA 105-A:8 were placed in the bill erroneously. If deleted the bill would pass constitutional muster.

Frank R. Kenison  
Edward J. Lampron  
William A. Grimes  
Maurice P. Bois  
Justices

Justice Douglas, as a member of the police standards and training council, asked to be excused from rendering an opinion.

May 16, 1977

The Assistant Clerk read the Supreme Court Opinion.

The Speaker called for the Special Order.

Rep. Buckman requested a quorum count.  
The Speaker declared a quorum present.

Rep. Buckman moved for a call of the House.

The Speaker requested a roll call.  
Sufficiently seconded.

(Speaker presiding)

YEAS 145 NAYS 113

YEAS 145

BELKNAP: Beard, Marshall French, Michael Hanson, Kenneth Randall and Sanders.

CARROLL: Raymond Conley, Found, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Daniel Eaton, Krause, Parker, Proctor, Margaret Ramsay, Russell, Vrakatisis, Whipple and Terry Wiggin.

COOS: Fortier, Bradley Haynes, Horton, Hunt, Oleson, Poulin, Theriault and Willey.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Cornelius, Dearborn, Myrl Eaton, Gemmill, Hough, LaMott, Logan, Mann, McAvoy, Neil McIver, Rounds, Glyneta Thomson, Madeline Townsend and Michael Woodard.

HILLSBOROUGH: Ahern, Aubut, Emile Boisvert, Bosse, Roland Boucher, Burke, Carswell, Margaret Cote, Catherine-Ann Day, Drewniak, Granger, Cort Hansen, Howard Humphrey, Knight, Marcoux, Martin, McGlynn, McLaughlin, Nardi, Normand, Pappas, Paradis, Arnold Perkins, Podles, Polak, Quigley, Henry Richardson, Simard, Soucy, Stylianos, Francis Sullivan, Wallin and Ziakas.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, Carroll, John Cate, Chandler, Eugene Daniell, Foley, Gamache, James Humphrey, Donna MacIvor, McLane, Pelton, Pratt, Ralph, Rice, Doris Riley, Shepard, Gerald Smith, Stockman and Ernest Valliere.

ROCKINGHAM: Bisbee, Blake, Campbell, Cunningham, Cutcliffe, Danforth, Dunfey, Erler, Beverly Gage, Ganley, Gaskill, Hartford, Hoar, Kane, Kashulines, King, Maynard, Nelson, Parolise, Richards, Sanborn, Schwaner, Skinner, Alfreda Smith, Webster and Wolfesen.

STRAFFORD: Appleby, Canney, Donnelly, Charles Grassie, James Herchek, Joos, Meader, Rod O'Connor, Donald Smith, Torrey, Tripp and Shirley White.

SULLIVAN: Brodeur, Ingram, Lewko, Palmer, Spaulding, Tucker and George Wiggins.

NAYS 113

BELKNAP: Nighswander.

CARROLL: Roderick Allen, Dickinson, Howard and Kenneth Smith.

CHESHIRE: Callahan, Close, Fillback, Anne Gordon, Irvin Gordon, Ladd, Lynch, Marshala, Matson, Moore, Scranton and Terry.

COOS: Burns, Cooney, Huggins, Mabel Richardson, Alcide Valliere, Wiswell and Neila Woodward.

GRAFTON: Chambers, Copenhaver, Duhaime, Pepitone and Taffe.

HILLSBOROUGH: Ainley, Wilfrid Boisvert, Coburn, Mark Connolly, Corser, Coughlin, Cullity, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Head, Thomas Hynes, Kaklamanos, Keefe, LaPlante, Miller, Morrison, Fred Murray, Kerry O'Connor, Timothy O'Connor, O'Neil, Orcutt, Pelletier, Peters, Sing, Leonard Smith, Spirou, St. George, Harold Thomson, Van Loan, Wallace, Geraldine Watson, Emma Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Bodi, Hess, Polly Johnson, LaBonte, Tarr, Trachy, Robert Watson and Wiviott.

ROCKINGHAM: Aeschliman, Akerman, Appel, Blanchette, Carpenito, Cummings, Davis, Robert Day, Flanagan, Goff, Gould,

Laycock, Joseph MacDonald, Donna McEachern, Niebling, Norton, Parr, Anthony Randall, Rogers, Tavitian and Helen Wilson.

STRAFFORD: Dianne Herchek, Horrigan, Joncas, Lefavour, Lessard, Maloomian, Osgood, Preston, Sackett, Schreiber, Valley, Voll and Allen Wilson.

SULLIVAN: Barrus, Desnoyer, Gray, Lucas, Scott and Sara Townsend, and the Speaker ruled that a call of the House was in effect.

Rep. Spirou moved that the call of the House be rescinded.

Adopted.

HB 1000, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1978 and June 30, 1979. Ought to Pass with Amendment. Rep. Tucker for Appropriations.

INSERT AMENDMENT



1.00 APPROPRIATIONS: THE SUMS HEREINAFTER DETAILED IN THIS ACT ARE HEREBY APPROPRIATED TO BE PAID OUT OF THE TREASURY OF THE STATE FOR THE PURPOSE SPECIFIED FOR THE BRANCHES AND DEPARTMENTS NAMED FOR THE FISCAL YEARS ENDING JUNE 30, 1978 AND JUNE 30, 1979

01 GENERAL GOVERNMENT  
02 LEGISLATIVE BRANCH  
01 GENERAL COURT  
01 SENATE

11 PERSONAL SERVICES-MEMBERS		5,500
12 PERSONAL SERVICES-ATTACHES	*	103,700
20 CURRENT EXPENSES		26,618
30 EQUIPMENT		2,500
60 BENEFITS		16,380
70 IN-STATE TRAVEL	**	56,880
90 MEMBERSHIP FEES		100
91 LEGAL SERVICES AND CONSULTANTS		2,000

\* ADMINISTRATIVE ASSISTANTS ELIGIBLE AS FULL TIME EMPLOYEES FOR FRINGE BENEFITS SHALL NOT RECEIVE MILEAGE AS PROVIDED BY RSA 14:18.

\*\*

IN ADDITION TO TRAVEL ALLOWED FOR ATTENDING SESSIONS OF THE GENERAL COURT, THIS SUM SHALL INCLUDE PAYMENTS AS AUTHORIZED BY RSA 14-A13 EXCEPT THAT AFTER A MEMBER FAILS OF NOMINATION IN A PRIMARY ELECTION OR FAILS OF ELECTION OR SHALL HAVE NOT FILED FOR RE-ELECTION TO HIS OFFICE, NO EXPENSES SHALL BE ALLOWED HIM FOR OUT OF STATE TRAVEL.

TOTAL	82,650	213,678
ESTIMATED SOURCE OF FUNDS FOR		
SENATE		
GENERAL FUND	82,650	213,678
TOTAL	82,650	213,578

OTHER PROVISIONS OF LAW NOTWITHSTANDING, FULL TIME EMPLOYEES AS DESIGNATED BY THE PRESIDENT OF THE SENATE SHALL BE ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN RETIREMENT SYSTEM, BLUE SHIELD AND BLUE CROSS COVERAGE, LIFE INSURANCE COVERAGE AND ANNUAL AND SICK LEAVE BENEFITS.

01 GENERAL GOVERNMENT  
 02 LEGISLATIVE BRANCH  
 01 GENERAL COURT  
 02 HOUSE

11 PERSONAL SERVICES - MEMBERS	*	84,500
12 PERSONAL SERVICES - ATTACHES		318,016
20 CURRENT EXPENSES		78,268
30 EQUIPMENT		15,000
60 BENEFITS	**	63,377
70 IN-STATE TRAVEL		568,380
90 LEGAL SERVICES AND CONSULTANTS	***	2,500
91 SPEAKERS' SPECIAL FUND		500
94 MEMBERSHIP FEES		200
		155,236
		46,580
		16,000
		23,285
		82,000
		5,000
		500
		200

\* ADMINISTRATIVE ASSISTANTS ELIGIBLE AS FULL  
 TIME EMPLOYEES FOR FRINGE BENEFITS SHALL NOT  
 RECEIVE MILEAGE AS PROVIDED BY RSA 14118.

\*\* IN ADDITION TO TRAVEL ALLOWED FOR ATTENDING  
 SESSIONS OF THE GENERAL COURT, THIS SUM SHALL  
 INCLUDE PAYMENTS AS AUTHORIZED BY RSA 14-A13  
 EXCEPT THAT AFTER A MEMBER FAILS OF NOMINATION  
 IN A PRIMARY ELECTION OR FAILS OF ELECTION OR  
 SHALL HAVE NOT FILED FOR RE-ELECTION TO HIS  
 OFFICE, NO EXPENSES SHALL BE ALLOWED HIM FOR  
 OUT OF STATE TRAVEL.

\*\*\*  
 TO BE FULLY ACCOUNTABLE.

TOTAL	328,801	1,127,741
ESTIMATED SOURCE OF FUNDS FOR		
HOUSE		
GENERAL FUND	328,801	1,127,741
TOTAL	328,801	1,127,741

OTHER PROVISIONS OF LAW NOTWITHSTANDING, FULL  
 TIME EMPLOYEES AS DESIGNATED BY THE SPEAKER OF  
 THE HOUSE OF REPRESENTATIVES SHALL BE ELIGIBLE  
 FOR FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED  
 EMPLOYEES INCLUDING MEMBERSHIP IN RETIREMENT  
 SYSTEM, BLUE SHIELD AND BLUE CROSS COVERAGE,  
 LIFE INSURANCE COVERAGE AND ANNUAL AND SICK  
 LEAVE BENEFITS.

01 GENERAL GOVERNMENT  
 02 LEGISLATIVE BRANCH  
 01 GENERAL COURT  
 02 HOUSE

(CONT.)  
 (CONT.)  
 (CONT.)  
 (CONT.)

THE SUMS APPROPRIATED UNDER 1-01,02,01,02 SHALL BE SUBJECT TO THE ADDITIONAL CONDITIONS:

THE SUMS SPECIFIED BELOW SHALL BE ALLOCATED TO THE OFFICE OF THE HOUSE MINORITY LEADER FROM THE APPROPRIATE LINE ITEM CLASSIFICATION:  
 OFF OF THE HOUSE MINORITY LEADER FY78 FY79  
 PERSONAL SERVICES-ATTACHES \* 35596 48947  
 CURRENT EXPENSES 9675 11125  
 EQUIP. & CAPITAL IMPROVEMENTS 964 0  
 BENEFITS 5190 7342

TOTAL \*\*

\* OTHER PROVISIONS OF LAW NOTWITHSTANDING THE SALARIES PAID OUT OF THIS APPROPRIATION SHALL BE AT LEVELS SET BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

NOTE 1: OTHER PROVISIONS OF LAW NOTWITHSTANDING FULL-TIME EMPLOYEES AS DESIGNATED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL BE ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN RETIREMENT SYSTEM, BLUE SHIELD AND BLUE CROSS COVERAGE, LIFE INSURANCE COVERAGE AND ANNUAL AND SICK LEAVE BENEFITS.

NOTE 2: OTHER PROVISIONS OF LAW NOTWITHSTANDING THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY MAKE TRANSFERS WITHIN THE APPROPRIATIONS TO THE OFFICE OF THE HOUSE MINORITY LEADER.

NOTE 3: OTHER PROVISIONS OF LAW NOTWITHSTANDING THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPROVE ANY TRANSFERS OUT OF THE APPROPRIATIONS TO THE OFFICE OF THE HOUSE MINORITY LEADER.

NOTE 4: OTHER PROVISIONS OF LAW NOTWITHSTANDING THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY EXPEND FUNDS APPROPRIATED TO THE OFFICE OF THE HOUSE MINORITY LEADER.

NOTE 5: ALL POSTAGE EXPENSES TO BE CHARGED AGAINST THE HOUSE APPROPRIATION - CURRENT EXPENSES.

NOTE 6: ALL COMPENSATION TO THE MEMBERS TO BE CHARGED AGAINST THE HOUSE APPROPRIATION - PERSONAL SERVICES - MEMBERS.

NOTE 7: ALL MILEAGE AND TRAVEL EXPENSES FOR MEMBERS TO BE CHARGED AGAINST THE HOUSE APPROPRIATION - TRAVEL MEMBERS AND ATTACHES.

NOTE 8: OTHER PROVISIONS OF LAW NOTWITHSTANDING THE EMPLOYEES OF THE OFFICE OF THE HOUSE

01 GENERAL GOVERNMENT	(CONT.)				
02 LEGISLATIVE BRANCH	(CONT.)				
01 GENERAL COURT	(CONT.)				
02 HOUSE	(CONT.)				
MINORITY LEADER SHALL NOT RECEIVE					
MILEAGE AS PROVIDED BY RSA 14:18.					
** THESE APPROPRIATIONS SHALL NOT LAPSE AT JUNE					
30, 1978 OR JUNE 30, 1979.					
01 GENERAL GOVERNMENT					
02 LEGISLATIVE BRANCH					
01 GENERAL COURT					
03 GENERAL COURT JOINT EXPENSES					
01 JOINT EXPENSES - OPERATIONS					
20 CURRENT EXPENSES		23,400		50,634	
90 PRINTING AND BINDING		20,000		350,000	
91 REPAIRS AND ALTERATIONS		2,200		2,200	
92 VOTER GUIDE-CONSTIT, AMEND.		4,000		7,000	
93 LEGAL SERVICES AND CONSULTANTS		5,000		2,500	
94 SPECIAL SESSION EXPENSES		200,000			
95 AUDIT OF LEGISLATIVE BRANCH		4,500		15,240	
96 MEMBERSHIP FEES		13,980		21,000	
97 COMPUTER SERVICES		36,000			
TOTAL			309,080		448,574
ESTIMATED SOURCE OF FUNDS FOR					
JOINT EXPENSES - OPERATIONS					
GENERAL FUND			309,080		448,574
TOTAL			309,080		448,574
01 GENERAL GOVERNMENT					
02 LEGISLATIVE BRANCH					
01 GENERAL COURT					
03 GENERAL COURT JOINT EXPENSES					
02 LEGISLATIVE FACILITIES					
20 CURRENT EXPENSES		5,500		19,330	
TOTAL			5,500		19,330
ESTIMATED SOURCE OF FUNDS FOR					
LEGISLATIVE FACILITIES					
GENERAL FUND			5,500		19,330
TOTAL			5,500		19,330
TOTAL				726,031	1,809,323
ESTIMATED SOURCE OF FUNDS FOR					
GENERAL COURT					
GENERAL FUND				726,031	1,809,323
TOTAL				726,031	1,809,323



01 GENERAL GOVERNMENT  
02 LEGISLATIVE BRANCH  
03 LEGISLATIVE SERVICES

10 PERMANENT PERSONAL SERVICES \*  
20 CURRENT EXPENSES \*\*  
30 EQUIPMENT  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
90 CONSULTANTS

196,336  
13,735  
420  
29,450  
300  
1,000  
5,000

209,669  
13,720

\* SALARIES TO BE SET IN ACCORDANCE WITH PRO-  
VISIONS OF RSA 17-A12 AND 17-A14.

\*\* ALL POSTAGE AND TELEPHONE EXPENSES TO BE  
CHARGED AGAINST LEGISLATIVE APPROPRIATION.

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
LEGISLATIVE SERVICES  
GENERAL FUND  
TOTAL

247,241  
247,241  
247,241  
264,139  
264,139  
264,139

01 GENERAL GOVERNMENT  
02 LEGISLATIVE BRANCH  
03 LBA BUDGET & SUPPORT

10 PERMANENT PERSONAL SERVICES \*  
20 CURRENT EXPENSES  
30 EQUIPMENT  
50 OTHER PERSONAL SERVICES  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
90 OTHER EXPENDITURES  
91 COMPUTER SERVICES

151,288  
7,059  
100  
9,000  
23,220  
100  
2,400  
200  
2,943

151,288  
12,329  
13,500  
23,781  
100  
2,000  
200  
3,071

\* OTHER PROVISIONS OF LAW NOTWITHSTANDING  
SALARIES OF PERMANENT EMPLOYEES SHALL BE AS  
APPROVED BY THE FISCAL COMMITTEE OF THE  
GENERAL COURT. THE LEGISLATIVE BUDGET  
ASSISTANT SHALL, WHEN OVERTIME OR TEMPORARY  
ASSISTANCE IS NECESSARY, OBTAIN SUCH  
ASSISTANCE AND DETERMINE THE COMPENSATION

01 GENERAL GOVERNMENT  
02 LEGISLATIVE BRANCH  
03 LBA BUDGET & SUPPORT

(CONT.)  
(CONT.)  
(CONT.)

## THEREFOR.

NOTE 11 THE LEGISLATIVE BUDGET ASSISTANT MAY DESIGNATE A CERTIFIED PUBLIC ACCOUNTANT, NOT EMPLOYED IN STATE SERVICE TO MAKE THE ANNUAL AUDIT OF THE STATE TREASURY, AND SAID LEGISLATIVE BUDGET ASSISTANT MAY ACCEPT THE FINDINGS AND REPORT OF SAID CERTIFIED PUBLIC ACCOUNTANT AS FULFILLING THE PROVISIONS OF RSA 14431, PART II, WHEREBY THE SAID LEGISLATIVE BUDGET ASSISTANT IS REQUIRED TO AUDIT THE ACCOUNTS OF THE STATE TREASURER.

TOTAL	196,310	211,969
ESTIMATED SOURCE OF FUNDS FOR		
LBA BUDGET & SUPPORT		
GENERAL FUND		
TOTAL	196,310	211,969
	196,310	211,969

01 GENERAL GOVERNMENT  
02 LEGISLATIVE BRANCH  
04 SPECIAL SERVICES  
01 ADMINISTRATIVE PROCEDURES

10 PERMANENT PERSONAL SERVICES  
20 CURRENT EXPENSES  
30 EQUIPMENT  
60 BENEFITS  
90 PRINTING AND BINDING

26,587  
3,000  
600  
3,988  
60,000

20,587  
3,000  
3,988  
20,000

TOTAL	94,175	53,575
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATIVE PROCEDURES		
GENERAL FUND		
TOTAL	94,175	53,575
	94,175	53,575

PERSONNEL EMPLOYED HEREUNDER SHALL CONTINUE TO BE ADMINISTERED AS EMPLOYEES OF THE OFFICE OF LEGISLATIVE SERVICES.

01 GENERAL GOVERNMENT  
 02 LEGISLATIVE BRANCH  
 04 SPECIAL SERVICES  
 02 POST AUDIT

10 PERMANENT PERSONAL SERVICES \*  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

295,499  
 24,400  
 570  
 44,325  
 7,100  
 3,750

295,292  
 23,300  
 310  
 44,294  
 6,350  
 3,750

\* PERSONNEL EMPLOYED HEREUNDER SHALL CONTINUE TO BE ADMINISTERED AS EMPLOYEES OF THE OFFICE OF THE LEGISLATIVE BUDGET ASSISTANT.  
 NOTE 1:

OTHER PROVISIONS OF LAW NOTWITHSTANDING SALARIES OF PERMANENT EMPLOYEES SHALL BE AS APPROVED BY THE FISCAL COMMITTEE OF THE GENERAL COURT. THE LEGISLATIVE BUDGET ASSISTANT SHALL, WHEN OVERTIME OR TEMPORARY ASSISTANCE IS NECESSARY, OBTAIN SUCH ASSISTANCE AND DETERMINE THE COMPENSATION THEREFOR.

NOTE 2:  
 THE LEGISLATIVE BUDGET ASSISTANT MAY DESIGNATE A CERTIFIED PUBLIC ACCOUNTANT, NOT EMPLOYED IN STATE SERVICE, TO MAKE THE ANNUAL AUDIT OF THE STATE TREASURY, AND SAID LEGISLATIVE BUDGET ASSISTANT MAY ACCEPT THE FINDINGS AND REPORT OF SAID CERTIFIED PUBLIC ACCOUNTANT AS FULFILLING THE PROVISIONS OF RSA 141:31 PART II, WHEREBY THE SAID LEGISLATIVE BUDGET ASSISTANT IS REQUIRED TO AUDIT THE ACCOUNTS OF THE STATE TREASURER.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 POST AUDIT  
 06 AUDIT REVENUE  
 GENERAL FUND

375,644

373,296

\*\*

45,000  
 330,644

45,000  
 328,296

\*\* OTHER PROVISIONS OF LAW NOTWITHSTANDING, REVENUE SHALL BE DEPOSITED WITH THE STATE TREASURER AS RESTRICTED REVENUE. REVENUES IN EXCESS OF ESTIMATES MAY BE EXPENDED WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE OF THE GENERAL COURT.

TOTAL

375,644

373,296

01 GENERAL GOVERNMENT  
 02 LEGISLATIVE BRANCH  
 04 SPECIAL SERVICES  
 03 LEGISLATIVE UTILITY CONSUMERS COUNCIL

11 CONSUMER ADVOCATE	21,808			
12 DEPUTY CONSUMER ADVOCATE	12,462			
20 CURRENT EXPENSES	4,000			24,000
30 EQUIPMENT	4,650			14,000
50 OTHER PERSONAL SERVICES	7,371			4,000
60 BENEFITS	2,436			7,735
70 IN-STATE TRAVEL	300			2,676
80 OUT-OF-STATE TRAVEL	700			350
90 OTHER EXPENDITURES	1,000			750
TOTAL		50,727		1,000
ESTIMATED SOURCE OF FUNDS FOR				
LEGISLATIVE UTILITY CONSUMERS COUNCIL				
GENERAL FUND				
TOTAL		50,727		54,511
		50,727		54,511
TOTAL				
ESTIMATED SOURCE OF FUNDS FOR				
SPECIAL SERVICES				
GENERAL FUND				
OTHER FUNDS				
TOTAL		520,546		481,382
		475,546		436,382
		45,000		45,000
		520,546		481,382
TOTAL				
ESTIMATED SOURCE OF FUNDS FOR				
LEGISLATIVE BRANCH				
GENERAL FUND				
OTHER FUNDS				
TOTAL		1,690,128		2,766,813
		1,645,128		2,721,813
		45,000		45,000
		1,690,128		2,766,813

THESE APPROPRIATIONS SHALL NOT LAPSE AT JUNE 30, 1978 OR JUNE 30, 1979.

NOTE 1: OTHER PROVISIONS OF LAW NOTWITHSTANDING, EMPLOYEES OF THE LEGISLATIVE BUDGET ASSISTANT'S OFFICE AND THE DIRECTOR OF LEGISLATIVE SERVICES OFFICE SHALL BE ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN RETIREMENT SYSTEM, BLUE SHIELD AND BLUE CROSS COVERAGE, LIFE INSURANCE COVERAGE AND ANNUAL AND SICK



01 GENERAL GOVERNMENT  
02 LEGISLATIVE BRANCH

LEAVE BENEFITS.

NOTE 2: OTHER PROVISIONS OF LAW NOTWITHSTANDING, TRANSFERS MAY BE MADE WITHIN DIVISIONS OF THE LEGISLATIVE APPROPRIATION IN THE FOLLOWING MANNER:

- (A) HOUSE APPROPRIATION - REQUEST OF SPEAKER OF HOUSE, APPROVAL OF SUBCOMMITTEE OF THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES FOR LEGISLATIVE MANAGEMENT FOR THE HOUSE.
- (B) SENATE APPROPRIATION - REQUEST OF PRESIDENT OF SENATE, APPROVAL OF SUBCOMMITTEE OF THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES FOR LEGISLATIVE MANAGEMENT FOR THE SENATE.
- (C) JOINT EXPENSES - REQUEST OF SPEAKER OF HOUSE AND PRESIDENT OF SENATE, APPROVAL OF JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
- (D) LEGISLATIVE SERVICES - REQUEST OF DIRECTOR OF LEGISLATIVE SERVICES, APPROVAL OF HOUSE AND JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
- (E) LEGISLATIVE BUDGET ASSISTANT - REQUEST OF LEGISLATIVE BUDGET ASSISTANT, APPROVAL OF FISCAL COMMITTEE.
- (F) ALL OTHER LEGISLATIVE ACCOUNTS - REQUEST OF PRESIDENT OF SENATE AND SPEAKER OF HOUSE, APPROVAL OF JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
- (G) TRANSFERS MAY BE MADE BETWEEN DIVISIONS IN THE LEGISLATIVE APPROPRIATION ON REQUEST OF PRESIDENT OF SENATE AND SPEAKER OF HOUSE WITH APPROVAL OF JOINT COMMITTEE ON LEGISLATIVE FACILITIES.

01 GENERAL GOVERNMENT  
03 EXECUTIVE OFFICE  
01 OFFICE OF THE GOVERNOR

11 SALARY OF GOVERNOR  
20 CURRENT EXPENSES  
59 FULL TIME TEMPORARY  
60 BENEFITS

34,781  
20,200  
103,974  
20,813

33,470  
20,200  
103,974  
20,617

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

01 GENERAL GOVERNMENT (CONT.)  
 03 EXECUTIVE OFFICE (CONT.)  
 01 OFFICE OF THE GOVERNOR (CONT.)

70 IN-STATE TRAVEL	4,471	4,471
80 OUT-OF-STATE TRAVEL	8,519	8,519
90 GOVERNORS CAR LEASE	2,200	2,200
91 GOVERNORS CONTINGENT FUND	15,000	15,000
92 GOVERNORS SPECIAL FUND	10,000	10,000
93 EMERGENCY FUND	50,000	50,000
94 N. E. GOVERNORS CONFERENCE	8,000	8,000
95 OPERATING BUDGET CONTINGENT FD	100,000	100,000
96 GOVERNORS CONFERENCE	14,315	14,315
98 N. E. REGIONAL COMM. FUNDS	50,333	50,333
99 N. E. REGIONAL COMM. FUNDS	150,000	150,000

\* SALARIES PAID OUT OF THIS APPROPRIATION SHALL BE AT LEVELS SET BY THE GOVERNOR.

\*\* THE FUNDS APPROPRIATED UNDER THIS ITEM ARE TO BE SPENT BY THE GOVERNOR AT HIS OWN AND SOLE DISCRETION FOR STATE PURPOSES, INCLUDING BUT NOT LIMITED TO PARTICIPATION IN THE ACTIVITIES OF THE UNITED STATES GOVERNOR'S CONFERENCE, THE NEW ENGLAND GOVERNORS' CONFERENCE, AND THE COUNCIL OF STATE GOVERNMENTS, FOR WHICH MONIES ARE NOT OTHERWISE APPROPRIATED.

\*\*\* TRANSFERS FROM THIS FUND ARE SUBJECT TO PRIOR APPROVAL BY THE GOVERNOR AND COUNCIL AND MAY BE MADE TO ALL STATE AGENCY APPROPRIATIONS, EXCLUDING ONLY THE GOVERNOR AND COUNCIL. THE DIRECTOR OF ACCOUNTS SHALL KEEP A RECORD OF TRANSFERS APPROVED FOR OTHER THAN GENERAL FUND AGENCIES AND SHALL REPORT SUCH SPECIAL FUND TRANSFERS TO THE LEGISLATURE FOR APPROPRIATE ADJUSTMENT BETWEEN FUNDS.

TOTAL	600,606	599,099
ESTIMATED SOURCE OF FUNDS FOR		
OFFICE OF THE GOVERNOR	150,000	150,000
06 N.E. REGIONAL COMMISSION	450,606	449,099
GENERAL FUND	600,606	599,099
TOTAL		

01 GENERAL GOVERNMENT				
03 EXECUTIVE OFFICE				
02 EXECUTIVE COUNCIL				
20 CURRENT EXPENSES	4,200			4,200
50 OTHER PERSONAL SERVICES	7,000			7,000
51 COUNCILORS' COMPENSATION	30,000			30,000
60 BENEFITS	2,155			2,155
70 IN-STATE TRAVEL	6,400			6,400
80 OUT-OF-STATE TRAVEL	198			198
TOTAL		49,963		51,095
ESTIMATED SOURCE OF FUNDS FOR				
EXECUTIVE COUNCIL				
GENERAL FUND		49,963		51,095
TOTAL		49,963		51,095
01 GENERAL GOVERNMENT				
03 EXECUTIVE OFFICE				
05 GOVERNORS COMMISSION ON CRIME & DELINQUENCY				
01 CRIME COMMISSION				
11 SALARY OF DIRECTOR	24,570		23,660	
12 SALARY OF TWO DEPUTY DIRECTORS	36,312		35,755	
13 SALARY OF COORDINATOR	14,823		13,889	
20 CURRENT EXPENSES	44,989		46,339	
24 INDIRECT COSTS	51,154		10,401	
59 FULL TIME TEMPORARY	179,058		177,599	
60 BENEFITS	38,155		37,635	
70 IN-STATE TRAVEL	3,500		4,200	
80 OUT-OF-STATE TRAVEL	2,500		2,500	
90 STATISTICAL ANALYSIS CENTER	134,111		133,371	
91 JUDICIAL PLANNING COUNCIL	50,000		50,000	
92 ACTION	2,800,000		2,800,000	
93 STATE SHARE LOCAL BUY IN	95,444		97,000	
94 HARO MATCH ST AGY & JISC GRANT	187,025		189,825	
96 JUVENILE DELINQUENCY FUNDS	170,000		170,000	
97 PART E	250,000		250,000	
98 PLANNING & COORDINATION	150,000		150,000	
99 DISCRETIONARY	500,100		500,100	
**				
AUTHORITY IS GRANTED TO TRANSFER FROM CLASS				
93 TO CLASS 94 AS NECESSARY WITH THE APPROVAL				
OF GOVERNOR AND COUNCIL.				
TOTAL		4,731,341		4,692,274
ESTIMATED SOURCE OF FUNDS FOR				
CRIME COMMISSION				
00 FEDERAL FUNDS		4,495,995		4,356,314

01. GENERAL GOVERNMENT (CONT.)  
 03 EXECUTIVE OFFICE (CONT.)  
 03 GOVERNORS COMMISSION ON CRIME & DELINQUENCY (CONT.)  
 01 CRIME COMMISSION (CONT.)

GENERAL FUND 335,346 335,360  
 TOTAL 4,731,341 4,692,274

01. GENERAL GOVERNMENT  
 03 EXECUTIVE OFFICE  
 03 GOVERNORS COMMISSION ON CRIME & DELINQUENCY  
 03 STATISTICAL ANALYSIS CENTER

20 CURRENT EXPENSES 9,500 9,500  
 59 FULL TIME TEMPORARY 78,879 78,236  
 60 BENEFITS 11,832 11,735  
 70 IN-STATE TRAVEL 1,500 1,500  
 80 OUT-OF-STATE TRAVEL 2,000 2,000  
 90 SAC MANAGER-CONTRACT 22,000 22,000  
 91 COP SERVICES 8,400 8,400

D

TOTAL 134,111 133,371  
 ESTIMATED SOURCE OF FUNDS FOR  
 STATISTICAL ANALYSIS CENTER  
 04 CRIME COMMISSION FUNDS  
 TOTAL 134,111 133,371

TOTAL 4,865,452 4,825,645  
 ESTIMATED SOURCE OF FUNDS FOR  
 GOVERNORS COMMISSION ON CRIME & DELINQUENCY  
 FEDERAL FUNDS 4,395,995 4,356,914  
 GENERAL FUND 335,346 335,360  
 OTHER FUNDS 134,111 133,371  
 TOTAL 4,865,452 4,825,645

01. GENERAL GOVERNMENT  
 03 EXECUTIVE OFFICE  
 04 COORDINATOR OF FEDERAL FUNDS

10 PERMANENT PERSONAL SERVICES 17,940 17,624  
 11 SALARY OF COORDINATOR 20,028 20,019  
 20 CURRENT EXPENSES 2,662 2,662  
 59 FULL TIME TEMPORARY 14,865 14,865  
 60 BENEFITS 7,925 7,877  
 70 IN-STATE TRAVEL 400 400  
 80 OUT-OF-STATE TRAVEL 500 500  
 95 COP SERVICES 4,000 4,000

D

TOTAL

68,320

67,947



(CONT.)  
(CONT.)  
(CONT.)01 GENERAL GOVERNMENT  
03 EXECUTIVE OFFICE  
04 COORDINATOR OF FEDERAL FUNDSESTIMATED SOURCE OF FUNDS FOR  
COORDINATOR OF FEDERAL FUNDS  
GENERAL FUND  
TOTAL67,947  
67,94768,320  
68,32001 GENERAL GOVERNMENT  
03 EXECUTIVE OFFICE  
05 N.H. OFFICE OF EMPLOYMENT AND TRAINING  
01 MANPOWER AFFAIRS20 CURRENT EXPENSES  
59 FULL TIME TEMPORARY  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
90 GRANTS12,601  
65,689  
9,853  
3,750  
1,750  
3,862,976

3,956,619

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
MANPOWER AFFAIRS  
00 FEDERAL FUNDS  
TOTAL

3,955,527

3,956,619  
3,956,61901 GENERAL GOVERNMENT  
03 EXECUTIVE OFFICE  
05 N.H. OFFICE OF EMPLOYMENT AND TRAINING  
02 WIN PROGRAM20 CURRENT EXPENSES  
59 FULL TIME TEMPORARY  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
90 OTHER EXPENDITURES19,733  
142,052  
21,308  
3,500  
105  
234,696

421,454

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
WIN PROGRAM  
00 FEDERAL FUNDS  
01 OFFICE MANPOWER AFFAIRS  
TOTAL

421,450

379,305  
42,145  
421,454

01 GENERAL GOVERNMENT  
 03 EXECUTIVE OFFICE  
 05 N.H. OFFICE OF EMPLOYMENT AND TRAINING  
 03 ADMINISTRATION

20 CURRENT EXPENSES  
 59 FULL TIME TEMPORARY  
 60 BENEFITS  
 92 STATE OVERHEAD

28,945  
 128,609  
 19,300  
 28,379

28,945  
 128,235  
 18,935  
 30,082

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 ADMINISTRATION  
 00 FEDERAL FUNDS  
 01 OTHER AGENCY FUNDS  
 TOTAL

205,293  
 202,994  
 2,299  
 205,293

234,197  
 231,598  
 2,299  
 234,197

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 N.H. OFFICE OF EMPLOYMENT AND TRAINING  
 FEDERAL FUNDS  
 OTHER FUNDS  
 TOTAL

4,582,270  
 4,537,826  
 44,444  
 4,582,270

4,582,270  
 4,537,826  
 44,444  
 4,582,270

01 GENERAL GOVERNMENT  
 03 EXECUTIVE OFFICE  
 06 OFFICE OF COMPREHENSIVE PLANNING  
 01 HOUSING URBAN DEVELOPMENT

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 59 FULL TIME TEMPORARY  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 OTHER EXPENDITURES  
 91 PROJECT INSPECTION FEE  
 92 REGIONAL ASSISTANCE  
 93 NO COUNTRY COUNCIL ECON. DEV.  
 95 CDP SERVICES  
 98 INDIRECT COSTS

217,172  
 16,810  
 124,415  
 50,786  
 800  
 700  
 33,250  
 2,450  
 270,000  
 10,000  
 1,000  
 8,750

210,191  
 17,367  
 159,341  
 52,430  
 850  
 800  
 37,950  
 2,525  
 280,030  
 10,000  
 1,800  
 9,450

\* POSITION NUMBER 006 SHALL BE ABOLISHED WHEN  
 VACANT.

\*\*  
 IN THIS APPROPRIATION \$1000 FOR EACH FISCAL  
 YEAR SHALL BE FOR THE RESOURCES AND DEVELOP-

01 GENERAL GOVERNMENT (CONT.)  
 03 EXECUTIVE OFFICE (CONT.)  
 06 OFFICE OF COMPREHENSIVE PLANNING (CONT.)  
 01 HOUSING URBAN DEVELOPMENT (CONT.)

MENT COUNCIL AND MAY NOT BE TRANSFERRED OR  
 EXPENDED FOR ANY OTHER PURPOSE.

\*\*\*

NO PORTION OF THIS APPROPRIATION SHALL BE  
 EXPENDED FOR CONSULTANTS EMPLOYED IN STATE  
 SERVICE.

\*\*\*\*

THIS APPROPRIATION SHALL BE FOR THE SIX REGION-  
 AL PLANNING AREAS AND MAY NOT BE TRANSFERRED  
 OR EXPENDED FOR ANY OTHER PURPOSE.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 HOUSING URBAN DEVELOPMENT  
 00 FEDERAL FUNDS  
 01 OTHER AGENCY FUNDS  
 GENERAL FUND  
 TOTAL

733,135

762,704

292,114  
 284,986  
 150,035  
 733,135

304,477  
 296,012  
 162,215  
 762,704

01 GENERAL GOVERNMENT  
 03 EXECUTIVE OFFICE  
 06 OFFICE OF COMPREHENSIVE PLANNING  
 02 WATER RESOURCES COUNCIL

20 CURRENT EXPENSES 7,636  
 70 IN-STATE TRAVEL 800  
 80 OUT-OF-STATE TRAVEL 800  
 90 OTHER EXPENDITURES 2,500  
 98 INDIRECT COSTS 8,750  
 99 PERSONNEL COSTS 90,911  
 E \*  
 104,400

16,000  
 900  
 800  
 68,450  
 9,450  
 104,400

\*

THIS APPROPRIATION SHALL BE USED FOR CLASS 10  
 AND CLASS 59 EXPENDITURES WITHIN THE OFFICE OF  
 COMPREHENSIVE PLANNING, HOUSING AND URBAN  
 DEVELOPMENT COMPONENT AND SHALL NOT BE  
 TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 WATER RESOURCES COUNCIL  
 00 FEDERAL FUNDS  
 GENERAL FUND  
 TOTAL

111,397

200,000

55,699  
 55,698  
 111,397

100,000  
 100,000  
 200,000

01 GENERAL GOVERNMENT  
 03 EXECUTIVE OFFICE  
 06 OFFICE OF COMPREHENSIVE PLANNING  
 03 COASTAL ZONE

20 CURRENT EXPENSES	14,466	14,366
70 IN-STATE TRAVEL	800	900
80 OUT-OF-STATE TRAVEL	800	900
94 COASTAL ZONE MANAGEMENT	218,500	220,250
98 INDIRECT COSTS	9,100	9,450
99 PERSONNEL COSTS	126,334	124,134
E *		

\* THIS APPROPRIATION SHALL BE USED FOR CLASS 10 AND CLASS 99 EXPENDITURES WITHIN THE OFFICE OF COMPREHENSIVE PLANNING, HOUSING AND URBAN DEVELOPMENT COMPONENT AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

TOTAL	370,000	370,000
ESTIMATED SOURCE OF FUNDS FOR		
COASTAL ZONE		
00 FEDERAL FUNDS	296,000	296,000
GENERAL FUND	74,000	74,000
TOTAL	370,000	370,000

01 GENERAL GOVERNMENT  
 03 EXECUTIVE OFFICE  
 06 OFFICE OF COMPREHENSIVE PLANNING  
 04 N.E. RIVER BASIN COMMISSION

93 N.E. RIVER BASINS COMMISSION	25,000	25,000
TOTAL	25,000	25,000
ESTIMATED SOURCE OF FUNDS FOR		
N.E. RIVER BASIN COMMISSION		
GENERAL FUND	25,000	25,000
TOTAL	25,000	25,000

01 GENERAL GOVERNMENT  
 03 EXECUTIVE OFFICE  
 06 OFFICE OF COMPREHENSIVE PLANNING  
 05 BUREAU OUTDOOR RECREATION

20 CURRENT EXPENSES	6,545	7,125
70 IN-STATE TRAVEL	350	350
80 OUT-OF-STATE TRAVEL	350	350
90 OTHER EXPENDITURES	21,051	25,322
98 INDIRECT COSTS	4,200	4,375
99 PERSONNEL COSTS	52,1504	52,478
E *		



01 GENERAL GOVERNMENT (CONT.)  
 03 EXECUTIVE OFFICE (CONT.)  
 06 OFFICE OF COMPREHENSIVE PLANNING (CONT.)  
 05 BUREAU OUTDOOR RECREATION (CONT.)

\* THIS APPROPRIATION SHALL BE USED FOR CLASS 10 AND CLASS 59 EXPENDITURES WITHIN THE OFFICE OF COMPREHENSIVE PLANNING, HOUSING AND URBAN DEVELOPMENT COMPONENT AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

TOTAL	85,000	30,000
ESTIMATED SOURCE OF FUNDS FOR		
BUREAU OUTDOOR RECREATION		
01 TRANSFER FROM DED	42,500	45,000
GENERAL FUND	42,500	45,000
TOTAL	85,000	90,000

01 GENERAL GOVERNMENT  
 03 EXECUTIVE OFFICE  
 06 OFFICE OF COMPREHENSIVE PLANNING  
 06 URBAN MASS TRANSPORTATION AUTHORITY

20 CURRENT EXPENSES	1,940	2,290
70 IN-STATE TRAVEL	150	250
80 OUT-OF-STATE TRAVEL	150	250
90 OTHER EXPENDITURES	6,125	5,810
96 REGIONAL ASSISTANCE	75,000	75,000
98 INDIRECT COSTS	1,400	1,400
99 PERSONNEL COSTS	15,235	15,000

\* THIS APPROPRIATION SHALL BE USED FOR CLASS 10 AND CLASS 59 EXPENDITURES WITHIN THE OFFICE OF COMPREHENSIVE PLANNING, HOUSING AND URBAN DEVELOPMENT COMPONENT AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

TOTAL	100,000	103,000
ESTIMATED SOURCE OF FUNDS FOR		
URBAN MASS TRANSPORTATION AUTHORITY		
00 FEDERAL FUNDS	95,000	95,000
GENERAL FUND	5,000	5,000
TOTAL	100,000	100,000

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 OFFICE OF COMPREHENSIVE PLANNING

1,424,532

1,547,704

01 GENERAL GOVERNMENT	(CONT.)		
03 EXECUTIVE OFFICE	(CONT.)		
06 OFFICE OF COMPREHENSIVE PLANNING	(CONT.)		
FEDERAL FUNDS		736,013	795,477
GENERAL FUND		350,233	411,215
OTHER FUNDS		327,466	341,012
TOTAL		1,424,522	1,547,734
01 GENERAL GOVERNMENT			
03 EXECUTIVE OFFICE			
08 STATE DISASTER OFFICE			
00 OTHER EXPENDITURES			
TOTAL		104,509	50,000
ESTIMATED SOURCE OF FUNDS FOR			
STATE DISASTER OFFICE		104,509	50,000
00 FEDERAL FUNDS			
GENERAL FUND		104,509	25,000
TOTAL		104,509	50,000
01 GENERAL GOVERNMENT			
03 EXECUTIVE OFFICE			
09 COUNCIL ON ENERGY			
20 CURRENT EXPENSES			
59 FULL TIME TEMPORARY		29,294	29,294
60 BENEFITS		88,400	89,400
70 IN-STATE TRAVEL		13,260	13,260
80 OUT-OF-STATE TRAVEL		1,000	1,000
90 OTHER EXPENDITURES		5,000	5,000
91 INDIRECT COSTS		13,000	13,000
TOTAL		906	906
ESTIMATED SOURCE OF FUNDS FOR			
COUNCIL ON ENERGY		150,860	150,860
00 FEDERAL FUNDS			
TOTAL		150,860	150,860
TOTAL		11,846,512	11,874,626
ESTIMATED SOURCE OF FUNDS FOR			
EXECUTIVE OFFICE			
FEDERAL FUNDS		5,920,000	5,460,377
GENERAL FUND		1,262,408	1,339,716
OTHER FUNDS		650,341	383,627

(CONT.)  
(CONT.)

01 GENERAL GOVERNMENT  
03 EXECUTIVE OFFICE

11,874,620

11,846,512

TOTAL

01 GENERAL GOVERNMENT  
04 ADMINISTRATION AND CONTROL  
01 BUDGET AND CONTROL  
01 OFFICE OF THE COMPTROLLER

10 PERMANENT PERSONAL SERVICES  
11 SALARY OF COMPTROLLER  
14 DEPUTY COMPTROLLER  
20 CURRENT EXPENSES  
30 EQUIPMENT  
50 OTHER PERSONAL SERVICES  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
90 PREP OF GOVERNOR'S BUDGET  
93 PROFESSIONAL FEES-AUDITS

9,406  
30,016  
26,186  
6,185  
800  
10,799  
10,473  
350  
500  
1,000  
62,000

9,058	
28,905	
25,216	
6,560	
800	
11,799	
10,109	
350	
500	
11,000	
62,000	

\* THE FUNDS IN THIS APPROPRIATION ARE FOR PROFESSIONAL SERVICES PROVIDED FOR STATE PURPOSES BUT CONTRACTED FOR BY THE OFFICE OF THE LEGISLATIVE BUDGET ASSISTANT. SUCH FUNDS SHALL BE PAID BY THE COMPTROLLER UPON NOTIFICATION BY THE LEGISLATIVE BUDGET ASSISTANT. THIS APPROPRIATION SHALL BE NONVULNAR AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

TOTAL	157,715	155,297
ESTIMATED SOURCE OF FUNDS FOR		
OFFICE OF THE COMPTROLLER		
GENERAL FUND	157,715	155,297
TOTAL	157,715	155,297

01 GENERAL GOVERNMENT  
04 ADMINISTRATION AND CONTROL  
01 BUDGET AND CONTROL  
02 DIV OF REPORTS AND ANALYSIS

10 PERMANENT PERSONAL SERVICES  
60 BENEFITS  
TOTAL

53,287  
7,993

51,557  
7,734

61,280

59,291

01 GENERAL GOVERNMENT  
 04 ADMINISTRATION AND CONTROL  
 01 BUDGET AND CONTROL  
 02 DIV OF REPORTS AND ANALYSIS

(CONT.)  
 (CONT.)  
 (CONT.)  
 (CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
 DIV OF REPORTS AND ANALYSIS  
 GENERAL FUND  
 TOTAL

61,280  
 61,280  
 59,291  
 59,291

01 GENERAL GOVERNMENT  
 04 ADMINISTRATION AND CONTROL  
 01 BUDGET AND CONTROL  
 03 DIV OF BUSINESS SUPERVISION & BUDGET ANALYSIS

10 PERMANENT PERSONAL SERVICES  
 13 SALARIES OF (5) ASST. BUS. SUP  
 60 BENEFITS

22,312  
 91,140  
 17,018

21,528  
 89,921  
 16,717

TOTAL

130,470

128,166

ESTIMATED SOURCE OF FUNDS FOR  
 DIV OF BUSINESS SUPERVISION & BUDGET ANALYSIS  
 GENERAL FUND  
 TOTAL

130,470  
 130,470

128,166  
 128,166

01 GENERAL GOVERNMENT  
 04 ADMINISTRATION AND CONTROL  
 01 BUDGET AND CONTROL  
 04 DIV OF INFORMATION MANGMT & PLANNING

10 PERMANENT PERSONAL SERVICES

90,798

89,766

12 BUSINESS SUPERVISOR

22,717

21,875

20 CURRENT EXPENSES

23,480

23,675

30 EQUIPMENT

300

300

50 OTHER PERSONAL SERVICES

10,176

10,550

60 BENEFITS

17,623

17,363

95 COP SERVICES

574,571

573,056

97 BUDGET SYSTEM

33,000

70,969

TOTAL

772,665

807,554

ESTIMATED SOURCE OF FUNDS FOR  
 DIV OF INFORMATION MANGMT & PLANNING  
 GENERAL FUND  
 TOTAL

772,665  
 772,665

807,554  
 807,554

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 BUDGET AND CONTROL  
 GENERAL FUND  
 TOTAL

1,122,130

1,160,308

1,122,130

1,160,308

1,122,130

1,160,308



01 GENERAL GOVERNMENT  
 01 ADMINISTRATION AND CONTROL  
 02 DIV OF SPECIAL DISBURSEMENTS

90 COUNCIL OF STATE GOVERNMENTS  
 93 FIREMENS RELIEF  
 96 SPEC STUDENT GRANTS VETERINARY  
 97 SPEC STUDENT GRANTS DARTHOOTH  
 98 INDIGENT DEFENDANTS  
 99 TRANSITION OF EXECUTIVE POWER

\*  
 \* OTHER PROVISIONS OF LAW NOTWITHSTANDING, FEES  
 TO REIMBURSE ATTORNEYS FOR INDIGENT RESPOND-  
 ENTS SHALL NOT EXCEED THOSE SET FORTH BELOW:  
 PREPARATION OF CASES FOR TRIAL: \$10 PER HOUR  
 FOR TIME IN COURT: \$15 PER HOUR  
 MINIMUM IN ANY ONE CASE: \$25

TOTAL	625,460	708,385
ESTIMATED SOURCE OF FUNDS FOR		
DIV OF SPECIAL DISBURSEMENTS		
GENERAL FUND	625,460	708,385
TOTAL	625,460	708,385

01 GENERAL GOVERNMENT  
 04 ADMINISTRATION AND CONTROL  
 03 ADMINISTRATION & CONTROL PROGRAMS  
 01 ADM & CONTROL ACCOUNTING

10 PERMANENT PERSONAL SERVICES.	155,868	150,461	
11 SALARY OF DIRECTOR	22,966	22,116	
20 CURRENT EXPENSES	12,840	12,840	
30 EQUIPMENT	1,000	1,000	
50 OTHER PERSONAL SERVICES	2,500	2,500	
60 BENEFITS	26,971	26,042	
70 IN-STATE TRAVEL	50	50	
80 OUT-OF-STATE TRAVEL	75	75	
TOTAL	222,270	213,074	
ESTIMATED SOURCE OF FUNDS FOR			
ADM & CONTROL ACCOUNTING			
GENERAL FUND	222,270	213,074	
TOTAL	222,270	213,074	

01 GENERAL GOVERNMENT			
04 ADMINISTRATION AND CONTROL			
03 ADMINISTRATION & CONTROL PROGRAMS			
02 BUILDINGS AND GROUNDS			
01 ADM & CONTROL BLDG & GROUNDS			
10 PERMANENT PERSONAL SERVICES	450,569		438,883
20 CURRENT EXPENSES	275,830		277,800
50 OTHER PERSONAL SERVICES	6,300		6,300
60 BENEFITS	67,954		66,231
70 IN-STATE TRAVEL	650		650
90 MAKE READY LEGISLATIVE AREAS			4,000
91 RENT B.C. BUILDING	132,000		134,000
97 MAINTENANCE-CONTRACT	21,700		
TOTAL		954,973	927,834
ESTIMATED SOURCE OF FUNDS FOR			
ADM & CONTROL BLDG & GROUNDS			
01 RENTAL TRANSFERS		281,152	234,444
GENERAL FUND		733,821	693,390
TOTAL		954,973	927,834
01 GENERAL GOVERNMENT			
04 ADMINISTRATION AND CONTROL			
03 ADMINISTRATION & CONTROL PROGRAMS			
02 BUILDINGS AND GROUNDS			
02 HORTON BUILDING			
10 PERMANENT PERSONAL SERVICES	99,979		97,350
20 CURRENT EXPENSES	106,576		106,581
50 OTHER PERSONAL SERVICES	5,814		5,814
60 BENEFITS	15,337		14,943
TOTAL		227,706	224,588
ESTIMATED SOURCE OF FUNDS FOR			
HORTON BUILDING			
02 HIGHWAY		227,706	224,588
TOTAL		227,706	224,588
01 GENERAL GOVERNMENT			
04 ADMINISTRATION AND CONTROL			
03 ADMINISTRATION & CONTROL PROGRAMS			
02 BUILDINGS AND GROUNDS			
03 ADM & CONTROL HEALTH LAB BLDG			
10 PERMANENT PERSONAL SERVICES	71,520		70,199
20 CURRENT EXPENSES	169,507		172,507
50 OTHER PERSONAL SERVICES	1,250		1,250
60 BENEFITS	10,801		10,603
97 MAINTENANCE-CONTRACT	11,000		
TOTAL		264,078	254,559
ESTIMATED SOURCE OF FUNDS FOR			
ADM & CONTROL HEALTH LAB BLDG			

01 GENERAL GOVERNMENT					
04 ADMINISTRATION AND CONTROL					
03 ADMINISTRATION & CONTROL PROGRAMS	(CONT.)				
02 BUILDINGS AND GROUNDS	(CONT.)				
03 ADM & CONTROL HEALTH LAB BLDG	(CONT.)				
01 RENT LAB BUILDING		264,078			254,559
TOTAL		264,078			254,559
01 GENERAL GOVERNMENT					
04 ADMINISTRATION AND CONTROL					
03 ADMINISTRATION & CONTROL PROGRAMS					
02 BUILDINGS AND GROUNDS					
04 LEGISLATIVE FACILITY					
10 PERMANENT PERSONAL SERVICES		59,673		59,371	
20 CURRENT EXPENSES		67,213		67,213	
50 OTHER PERSONAL SERVICES		5,000		5,000	
60 BENEFITS		9,244		9,199	
90 PARKING FACILITY		24,000		24,000	
TOTAL		165,130		164,783	
ESTIMATED SOURCE OF FUNDS FOR					
LEGISLATIVE FACILITY					
GENERAL FUND		165,130		164,783	
TOTAL		165,130		164,783	
01 GENERAL GOVERNMENT					
04 ADMINISTRATION AND CONTROL					
03 ADMINISTRATION & CONTROL PROGRAMS					
02 BUILDINGS AND GROUNDS					
05 SAFETY BUILDING					
10 PERMANENT PERSONAL SERVICES		68,961		71,113	
20 CURRENT EXPENSES		122,170		133,170	
30 EQUIPMENT		9,810			
50 OTHER PERSONAL SERVICES		3,000		3,000	
60 BENEFITS		10,520		10,843	
TOTAL		214,461		218,126	
ESTIMATED SOURCE OF FUNDS FOR					
SAFETY BUILDING					
01 OTHER AGENCY FUNDS		214,461		218,126	
TOTAL		214,461		218,126	

01 GENERAL GOVERNMENT			
04 ADMINISTRATION AND CONTROL			
03 ADMINISTRATION & CONTROL PROGRAMS			
03 DIV OF PURCHASE AND PROPERTY			
01 PURCHASE AND PROPERTY			
10 PERMANENT PERSONAL SERVICES	184,274	179,618	
11 SALARY OF DIRECTOR	22,966	22,116	
20 CURRENT EXPENSES	19,500	19,500	
30 EQUIPMENT	1,000	1,000	
50 OTHER PERSONAL SERVICES	3,700	3,700	
60 BENEFITS	31,302	30,476	
70 IN-STATE TRAVEL	750	750	
80 OUT-OF-STATE TRAVEL	300	300	
90 BONDING STATE OFFICERS	6,000	6,000	
TOTAL	269,792	253,460	
ESTIMATED SOURCE OF FUNDS FOR			
PURCHASE AND PROPERTY	1,950	1,950	
09 BONDING STATE OFFICERS	267,842	251,510	
GENERAL FUND	269,792	253,460	
TOTAL			
01 GENERAL GOVERNMENT			
04 ADMINISTRATION AND CONTROL			
03 ADMINISTRATION & CONTROL PROGRAMS			
03 DIV OF PURCHASE AND PROPERTY			
02 WAREHOUSE			
20 CURRENT EXPENSES	18,130	19,218	
TOTAL	18,130	19,218	
ESTIMATED SOURCE OF FUNDS FOR			
WAREHOUSE	18,130	19,218	
GENERAL FUND	18,130	19,218	
TOTAL			
01 GENERAL GOVERNMENT			
04 ADMINISTRATION AND CONTROL			
03 ADMINISTRATION & CONTROL PROGRAMS			
04 MAILING SERVICES			
10 PERMANENT PERSONAL SERVICES	33,848	32,985	
20 CURRENT EXPENSES	2,092	2,095	
30 EQUIPMENT	3,200	3,200	
60 BENEFITS	5,077	4,948	
TOTAL	44,217	43,228	
ESTIMATED SOURCE OF FUNDS FOR			
MAILING SERVICES	44,217	43,228	
GENERAL FUND	44,217	43,228	
TOTAL			



01 GENERAL GOVERNMENT  
 04 ADMINISTRATION AND CONTROL  
 03 ADMINISTRATION & CONTROL PROGRAMS  
 15 RECORDS MANAGEMENT & ARCHIVES

10 PERMANENT PERSONAL SERVICES	23,221	22,543
11 SALARY OF DIRECTOR	14,487	13,950
20 CURRENT EXPENSES	12,300	12,300
30 EQUIPMENT		495
50 OTHER PERSONAL SERVICES	1,433	1,433
60 BENEFITS	5,740	5,564
70 IN-STATE TRAVEL	275	275
80 OUT-OF-STATE TRAVEL	250	250
90 ARCHIVES MICROFILM PROJECT	1,500	1,500
TOTAL	59,206	58,350
ESTIMATED SOURCE OF FUNDS FOR		
RECORDS MANAGEMENT & ARCHIVES	59,206	58,350
GENERAL FUND	59,206	58,350
TOTAL		

01 GENERAL GOVERNMENT  
 04 ADMINISTRATION AND CONTROL  
 03 ADMINISTRATION & CONTROL PROGRAMS  
 06 TELEPHONE

10 PERMANENT PERSONAL SERVICES	22,553	22,200
20 CURRENT EXPENSES	7,500	7,700
30 EQUIPMENT	120	110
50 OTHER PERSONAL SERVICES	400	400
60 BENEFITS	3,406	3,353
TOTAL	34,079	33,763
ESTIMATED SOURCE OF FUNDS FOR		
TELEPHONE	34,079	33,763
GENERAL FUND	34,079	33,763
TOTAL		

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 ADMINISTRATION & CONTROL PROGRAMS  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

2,474,042	2,423,083
1,544,695	1,489,316
929,347	933,767
2,474,042	2,423,083

01 GENERAL GOVERNMENT				
04 ADMINISTRATION AND CONTROL				
04 STATE HISTORICAL COMM				
20 CURRENT EXPENSES	200			200
70 IN-STATE TRAVEL	700			700
90 SPECIAL PRINTING				
92 COOPERATIVE MARKER PROGRAM	4,500			4,500
	700			700
TOTAL		6,100		1,600
ESTIMATED SOURCE OF FUNDS FOR				
STATE HISTORICAL COMM				
GENERAL FUND		6,100		1,600
TOTAL		6,100		1,600
01 GENERAL GOVERNMENT				
04 ADMINISTRATION AND CONTROL				
05 INVESTIGATION OF ACCOUNTS				
10 PERMANENT PERSONAL SERVICES				
20 CURRENT EXPENSES	74,175			72,372
30 EQUIPMENT	2,355			2,485
40 OUT-OF-STATE TRAVEL	4,000			4,285
50 OTHER PERSONAL SERVICES	3,700			3,700
60 BENEFITS				
70 IN-STATE TRAVEL	11,342			11,072
80 OUT-OF-STATE TRAVEL	4,650			4,950
	100			100
TOTAL		100,322		98,964
ESTIMATED SOURCE OF FUNDS FOR				
INVESTIGATION OF ACCOUNTS				
GENERAL FUND		100,322		98,964
TOTAL		100,322		98,964
TOTAL		4,328,054		4,392,340
ESTIMATED SOURCE OF FUNDS FOR				
ADMINISTRATION AND CONTROL				
GENERAL FUND		3,399,707		3,458,573
OTHER FUNDS		929,347		933,767
TOTAL		4,328,054		4,392,340

01 GENERAL GOVERNMENT			
05 CENTRALIZED DATA PROCESSING			
01 COP ADM & SUPPORT			
10 PERMANENT PERSONAL SERVICES	70,132	59,257	
11 SALARY OF DIRECTOR	25,556	27,076	
12 SALARY OF DEPUTY DIRECTOR	23,563	22,702	
14 SALARY OF MANGR OF OPERATIONS	22,560	21,724	
15 SALARY OF MANGR OF SYSTEM DEV	22,560	21,724	
16 STAFF ASSOC TECH RESOURCES	23,563	22,691	
20 CURRENT EXPENSES	19,894	19,682	
30 EQUIPMENT	2,935	250	
50 OTHER PERSONAL SERVICES	26,335	27,937	
60 BENEFITS	300	300	
70 IN-STATE TRAVEL	2,000	2,000	
80 OUT-OF-STATE TRAVEL	1,700	1,700	
90 COMMISSION EXPENSES	17,502	18,554	
92 BUILDING RENTAL	1,500	1,500	
99 PROFESSIONAL FEES			
TOTAL	263,190	259,829	
ESTIMATED SOURCE OF FUNDS FOR			
COP ADM & SUPPORT	263,190	259,829	
GENERAL FUND	263,190	259,829	
TOTAL			
01 GENERAL GOVERNMENT			
05 CENTRALIZED DATA PROCESSING			
02 DATA PROCESSING OPERATION			
10 PERMANENT PERSONAL SERVICES	413,928	407,353	
20 CURRENT EXPENSES	318,770	335,840	
30 EQUIPMENT	21,290	5,500	
50 OTHER PERSONAL SERVICES	25,000	25,000	
60 BENEFITS	63,552	62,656	
70 IN-STATE TRAVEL	1,000	1,000	
80 OUT-OF-STATE TRAVEL	900	900	
91 ADDITIONAL EQUIPMENT RENTAL	545,118	532,425	
92 BUILDING RENTAL	70,009	74,218	
TOTAL	1,459,567	1,446,492	
ESTIMATED SOURCE OF FUNDS FOR			
DATA PROCESSING OPERATION	1,459,567	1,446,492	
GENERAL FUND	1,459,567	1,446,492	
TOTAL			

\* POSITIONS NUMBER 30, 68, 80, 78, 87, 103, AND 104 ARE NOT FUNDED FOR THIS BIENNIIUM.

01 GENERAL GOVERNMENT  
05 CENTRALIZED DATA PROCESSING  
03 PLANNING & SUPPORT

10 PERMANENT PERSONAL SERVICES

20 CURRENT EXPENSES	100,643	37,692
30 EQUIPMENT	3,940	4,127
60 BENEFITS	630	530
70 IN-STATE TRAVEL	15,098	14,654
80 OUT-OF-STATE TRAVEL	300	300
92 BUILDING RENTAL	825	825
TOTAL	156,439	155,336

ESTIMATED SOURCE OF FUNDS FOR  
PLANNING & SUPPORT  
GENERAL FUND  
TOTAL

155,336  
155,336  
155,336

01 GENERAL GOVERNMENT  
05 CENTRALIZED DATA PROCESSING  
04 SYSTEMS DEVELOPMENT

10 PERMANENT PERSONAL SERVICES

20 CURRENT EXPENSES	672,874	653,160
30 EQUIPMENT	9,400	10,000
50 OTHER PERSONAL SERVICES	1,950	1,000
60 BENEFITS	1,000	98,033
70 IN-STATE TRAVEL	100,990	420
80 OUT-OF-STATE TRAVEL	420	1,000
92 BUILDING RENTAL	1,000	55,862
TOTAL	52,507	

\*  
POSITIONS NUMBER 5, 6, 113, 27, 59, 106, AND  
110 ARE NOT FUNDED FOR THIS BIENNIIUM.

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
SYSTEMS DEVELOPMENT  
GENERAL FUND  
TOTAL

840,141  
819,275  
819,275  
819,275



01 GENERAL GOVERNMENT  
 05 CENTRALIZED DATA PROCESSING  
 05 CENTRALIZED DATA PROCESSING

ESTIMATED SOURCE OF FUNDS FOR  
 CENTRALIZED DATA PROCESSING  
 03 TRANSFERS FROM STATE AGENCIES  
 GENERAL FUND  
 TOTAL

2,637,629  
 2,637,629 -  
 2,704,881  
 2,704,881 -

TOTAL

ESTIMATED SOURCE OF FUNDS FOR  
 CENTRALIZED DATA PROCESSING  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

2,719,337  
 2,719,337  
 81,708  
 2,637,629  
 2,719,337  
 2,680,932  
 23,949 -  
 2,704,881  
 2,680,932

IN THE EVENT THE DIRECTOR OF CENTRALIZED DATA  
 PROCESSING AUTHORIZES ANY AGENCY TO EXPEND  
 FUNDS RESTRICTED UNDER FOOTNOTE D FOR OUTSIDE  
 SERVICES, THIS APPROPRIATION SHALL BE REDUCED  
 BY THE AMOUNT OF SAID EXPENDITURES.

01 GENERAL GOVERNMENT  
 06 PERSONNEL DEPARTMENT  
 01 ADMINISTRATION & SUPPORT

10 PERMANENT PERSONAL SERVICES  
 11 SALARY OF DIRECTOR  
 12 SALARY OF DEPUTY DIRECTOR  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 55 FULL TIME TEMPORARY  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 CDP SERVICES

195,724  
 25,208  
 19,944  
 20,471  
 1,725  
 9,987  
 9,215  
 38,098  
 3,220  
 350  
 5,000  
 1,11,137  
 24,326  
 13,827  
 21,836  
 1,705  
 9,330  
 9,702  
 37,240  
 3,428  
 350  
 5,000

TOTAL

ESTIMATED SOURCE OF FUNDS FOR  
 ADMINISTRATION & SUPPORT  
 09 REVENUE FROM MUNICIPAL EXAMS  
 GENERAL FUND

328,942  
 323,481  
 1,000  
 327,942  
 1,000  
 322,481

01 GENERAL GOVERNMENT (CONT.)  
 05 PERSONNEL DEPARTMENT (CONT.)  
 01 ADMINISTRATION & SUPPORT (CONT.)

\*  
 REVENUE IN EXCESS OF THE ESTIMATE RESULTING  
 FROM MUNICIPAL EXAMINATIONS MAY BE EXPENDED  
 WITH PRIOR APPROVAL OF THE GOVERNOR & COUNCIL.

TOTAL	328,942	323,481
TOTAL ESTIMATED SOURCE OF FUNDS FOR PERSONNEL DEPARTMENT	328,942	323,481
GENERAL FUND	327,942	322,481
OTHER FUNDS	1,000	1,000
TOTAL	328,942	323,481

01 GENERAL GOVERNMENT  
 07 SECRETARY OF STATE  
 01 OFFICE OF THE SECRETARY

10 PERMANENT PERSONAL SERVICES  
 11 SALARY OF THE SECRETARY  
 12 SALARY OF THE DEPUTY SECRETARY  
 13 SALARIES OF (2) ASST. SECRETAR  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 60 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

114,506  
 24,661  
 24,180  
 23,324  
 22,461  
 30,168  
 30,141  
 31,786  
 2,770  
 16,000  
 29,835  
 100  
 500

111,400  
 24,180  
 22,461  
 29,314  
 31,786  
 500  
 28,193  
 100  
 500

TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE SECRETARY  
 09 PHOTOSTAT REVENUE  
 GENERAL FUND  
 TOTAL

272,005  
 3,000  
 269,005  
 272,005

249,214  
 3,000  
 246,214  
 249,214

01 GENERAL GOVERNMENT  
07 SECRETARY OF STATE  
02 ELECTIONS DIVISION

90 PRINTING AND BINDING	G.	90,000	110,000
TOTAL		90,000	110,000
ESTIMATED SOURCE OF FUNDS FOR			
ELECTIONS DIVISION			
GENERAL FUND		90,000	110,000
TOTAL		90,000	110,000

01 GENERAL GOVERNMENT  
07 SECRETARY OF STATE  
03 LEGISLATIVE SERVICES DIVISION

90 PRINTING BINDING FOR SEN CRT	*		20,000
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\* THIS APPROPRIATION IS FOR PRINTING, BINDING AND DISTRIBUTION OF ADVANCE SHEETS, SESSION LAMS, PAMPHLET LAMS, PERMANENT HOUSE JOURNALS, PERMANENT SENATE JOURNALS AND MANUAL OF GENERAL COURT. THIS APPROPRIATION SHALL NOT LAPSE UNTIL JUNE 1979, SHALL BE USED FOR THIS PURPOSE ONLY, AND MAY NOT BE TRANSFERRED. IN THE EVENT THE APPROPRIATION IS INSUFFICIENT TO PAY FOR ITEMS FOR WHICH IT IS APPROPRIATED, THE ADDITIONAL FUNDS NEEDED SHALL BE TRANSFERRED AT THE REQUEST OF THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE WITH THE APPROVAL OF THE FISCAL COMMITTEE, FROM FUNDS AVAILABLE IN THE LEGISLATIVE APPROPRIATION.

TOTAL			20,000
ESTIMATED SOURCE OF FUNDS FOR			
LEGISLATIVE SERVICES DIVISION			
GENERAL FUND			20,000
TOTAL			20,000

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
SECRETARY OF STATE  
GENERAL FUND  
OTHER FUNDS  
TOTAL

362,005	379,214
359,005	376,214
3,000	3,000
362,005	379,214

01 GENERAL GOVERNMENT				
08 STATE LIBRARY				
01 CENTRAL LIBRARY SVCS				
10 PERMANENT PERSONAL SERVICES	100,658		37,037	
11 SALARY OF LIBRARIAN	23,724		23,454	
12 SALARY OF ASSISTANT LIBRARIAN	15,981		15,389	
20 CURRENT EXPENSES	14,134		14,134	
30 EQUIPMENT	34,971		34,971	
60 BENEFITS	21,055		20,382	
70 IN-STATE TRAVEL	525		575	
80 OUT-OF-STATE TRAVEL	500		500	
TOTAL		211,548		206,442
ESTIMATED SOURCE OF FUNDS FOR				
CENTRAL LIBRARY SVCS				
GENERAL FUND				
TOTAL				
01 GENERAL GOVERNMENT				
08 STATE LIBRARY				
02 COMMUNITY LIBRARY SERVICES				
01 COMMUNITY LIBRARY SERVICES				
10 PERMANENT PERSONAL SERVICES			6,766	
20 CURRENT EXPENSES	6,774		15,600	
60 BENEFITS	15,600		1,015	
TOTAL				
ESTIMATED SOURCE OF FUNDS FOR				
COMMUNITY LIBRARY SERVICES				
GENERAL FUND				
TOTAL				
01 GENERAL GOVERNMENT				
08 STATE LIBRARY				
02 COMMUNITY LIBRARY SERVICES				
02 SPECIFIC GROUP SERVICES				
10 PERMANENT PERSONAL SERVICES			398,102	
20 CURRENT EXPENSES	409,658		52,175	
30 EQUIPMENT	52,175		109,000	
50 OTHER PERSONAL SERVICES	109,000		1,548	
60 BENEFITS	1,548		59,806	
70 IN-STATE TRAVEL	61,540		6,000	
80 OUT-OF-STATE TRAVEL	4,000		450	
90 OTHER EXPENDITURES	450		3,700	
91 ISF TO BLOC & GROUNDS	3,700		1,723	
TOTAL				
	643,794			630,504



01 GENERAL GOVERNMENT (CONT.)  
 08 STATE LIBRARY (CONT.)  
 02 COMMUNITY LIBRARY SERVICES (CONT.)  
 02 SPECIFIC GROUP SERVICES (CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
 SPECIFIC GROUP SERVICES  
 09 AGENCY INCOME  
 GENERAL FUND  
 TOTAL

17,500  
 613,004  
 630,504

17,500  
 626,294  
 643,794

IN THE EVENT ANY FEDERAL FUNDS BECOME AVAILABLE  
 FOR PROGRAMS FUNDED BY THIS APPROPRIATION THEY  
 ARE HEREBY APPROPRIATED AND THE GENERAL FUND  
 APPROPRIATION SHALL BE REDUCED BY THE AMOUNT OF  
 SAID FEDERAL FUNDS.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 COMMUNITY LIBRARY SERVICES  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

653,885  
 636,385  
 17,500  
 653,885

667,184  
 649,684  
 17,500  
 667,184

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 STATE LIBRARY  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

860,327  
 842,827  
 17,500  
 860,327

878,732  
 861,232  
 17,500  
 878,732

01 GENERAL GOVERNMENT  
 09 REVENUE ADMINISTRATION  
 01 COMMUNITY SERVICES  
 01 ADMINISTRATION

10 PERMANENT PERSONAL SERVICES  
 11 SALARY OF COMMISSIONER  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 INDIRECT COSTS

81,191  
 26,718  
 31,000  
 200  
 1,900  
 10,298  
 15,000  
 1,475  
 13,427

82,692  
 27,745  
 30,025  
 200  
 1,900  
 16,677  
 15,000  
 1,300  
 17,590

E

01 GENERAL GOVERNMENT 09 REVENUE ADMINISTRATION 01 COMMUNITY SERVICES 01 ADMINISTRATION	(CONT.) (CONT.) (CONT.) (CONT.)				
91 CURRENT USE ADVISORY BOARD	A	1,000	1,000		
TOTAL			194,129		133,209
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION					
07 AGENCY INCOME			32,237		35,370
GENERAL FUND			161,892		157,839
TOTAL			194,129		193,209
01 GENERAL GOVERNMENT 09 REVENUE ADMINISTRATION 01 COMMUNITY SERVICES 02 MUNICIPAL ACCOUNTING DIV					
10 PERMANENT PERSONAL SERVICES				233,919	
20 CURRENT EXPENSES		236,166		13,250	
30 EQUIPMENT		13,225		630	
50 OTHER PERSONAL SERVICES		1,200		6,500	
60 BENEFITS		6,500		35,018	
70 IN-STATE TRAVEL		35,805		14,780	
80 OUT-OF-STATE TRAVEL		13,775		700	
90 INDIRECT COSTS		700		24,120	
TOTAL	E	23,500	330,871		325,917
ESTIMATED SOURCE OF FUNDS FOR MUNICIPAL ACCOUNTING DIV					
07 AGENCY INCOME			23,500		24,120
GENERAL FUND			307,371		301,797
TOTAL			330,871		325,917
01 GENERAL GOVERNMENT 09 REVENUE ADMINISTRATION 01 COMMUNITY SERVICES 03 PROPERTY APPRAISAL					
10 PERMANENT PERSONAL SERVICES				218,652	
20 CURRENT EXPENSES		225,384		19,700	
30 EQUIPMENT		15,125		1,120	
50 OTHER PERSONAL SERVICES		400		10,000	
59 FULL TIME TEMPORARY		10,000		93,088	
60 BENEFITS		92,350		47,346	
70 IN-STATE TRAVEL		48,246		32,075	
80 OUT-OF-STATE TRAVEL		28,585		800	
90 INDIRECT COSTS		700		37,807	
TOTAL	E	36,025			

01 GENERAL GOVERNMENT (CONT.)  
 09 REVENUE ADMINISTRATION (CONT.)  
 01 COMMUNITY SERVICES (CONT.)  
 03 PROPERTY APPRAISAL (CONT.)

\* EXPENDITURES FROM THIS APPROPRIATION FOR AP-  
 PRaisal OF UTILITIES SHALL NOT EXCEED \$3,000.

TOTAL	456,813	460,588
ESTIMATED SOURCE OF FUNDS FOR		
PROPERTY APPRAISAL		
07 AGENCY INCOME	36,023	37,807
GENERAL FUND	420,790	422,781
TOTAL	456,813	460,588

01 GENERAL GOVERNMENT  
 09 REVENUE ADMINISTRATION  
 01 COMMUNITY SERVICES  
 04 FINANCIAL AID TO TOWNS

90 FLOOD CONTROL			
91 FOREST CONSERVATION AID	120,000		125,000
92 AID TO HEAVILY TIMBERED TOWNS	25,000		25,000
TOTAL	14,300		10,000
ESTIMATED SOURCE OF FUNDS FOR			
FINANCIAL AID TO TOWNS			
GENERAL FUND	159,300		150,000
TOTAL	159,300		150,000

01 GENERAL GOVERNMENT  
 09 REVENUE ADMINISTRATION  
 01 COMMUNITY SERVICES  
 05 BOAT TAX

90 OTHER EXPENDITURES	10,000	10,000
TOTAL	10,000	10,000
ESTIMATED SOURCE OF FUNDS FOR		
BOAT TAX		
09 AGENCY INCOME	10,000	10,000
TOTAL	10,000	10,000

TOTAL	1,151,113	1,149,714
ESTIMATED SOURCE OF FUNDS FOR		
COMMUNITY SERVICES		
GENERAL FUND	1,049,353	1,042,417
OTHER FUNDS	101,760	107,297
TOTAL	1,151,113	1,149,714

01 GENERAL GOVERNMENT			
09 REVENUE ADMINISTRATION			
02 REVENUE COLLECTIONS			
01 AUDIT DIVISION			
10 PERMANENT PERSONAL SERVICES	180,851	176,678	
11 SALARY OF DIRECTOR AUDIT DIV.	29,471	29,107	
12 SALARY OF ASST. DIRECTOR AUDIT	18,975	18,993	
13 SALARIES OF (2) FIELD AUDIT	36,456	35,970	
20 CURRENT EXPENSES	7,500	7,600	
30 EQUIPMENT	1,920	580	
50 OTHER PERSONAL SERVICES	4,500	4,500	
60 BENEFITS	40,126	39,376	
70 IN-STATE TRAVEL	9,025	9,475	
80 OUT-OF-STATE TRAVEL	48,650	51,550	
TOTAL			373,829
ESTIMATED SOURCE OF FUNDS FOR			
AUDIT DIVISION			
07 AGENCY INCOME	20,515		22,505
GENERAL FUND	356,959		351,324
TOTAL	377,474		373,829
01 GENERAL GOVERNMENT			
09 REVENUE ADMINISTRATION			
02 REVENUE COLLECTIONS			
02 COLLECTION DIVISION			
10 PERMANENT PERSONAL SERVICES	168,434	163,948	
20 CURRENT EXPENSES	8,450	9,475	
30 EQUIPMENT	1,050		
60 BENEFITS	25,265	24,592	
70 IN-STATE TRAVEL	11,095	12,095	
80 OUT-OF-STATE TRAVEL	550	550	
TOTAL			210,560
ESTIMATED SOURCE OF FUNDS FOR			
COLLECTION DIVISION			
07 AGENCY INCOME			147,905
GENERAL FUND	134,811		62,755
TOTAL	214,844		210,660
01 GENERAL GOVERNMENT			
09 REVENUE ADMINISTRATION			
02 REVENUE COLLECTIONS			
03 RETURN PROCESSING DIVISION			
10 PERMANENT PERSONAL SERVICES	265,224	258,122	
11 SALARY OF DIRECTOR RETURNS PRO	26,456	25,477	
20 CURRENT EXPENSES	70,025	70,075	
30 EQUIPMENT	11,150		



01 GENERAL GOVERNMENT (CONT.)  
 02 REVENUE ADMINISTRATION (CONT.)  
 03 RETURN PROCESSING DIVISION (CONT.)

50 OTHER PERSONAL SERVICES	11,600	
60 BENEFITS	44,431	
70 IN-STATE TRAVEL	200	
90 OTHER EXPENDITURES	10,000	
91 TOBACCO TAX STAMPS	5,000	
95 COP SERVICES	169,772	
		194,436

\* THIS APPROPRIATION IS FOR THE REGISTERS OF PROBATE AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 RETURN PROCESSING DIVISION  
 07 AGENCY INCOME  
 GENERAL FUND  
 TOTAL

613,858

618,129

105,505  
 508,353  
 613,858

115,752  
 502,377  
 618,129

01 GENERAL GOVERNMENT  
 09 REVENUE ADMINISTRATION  
 02 REVENUE COLLECTIONS  
 04 REAL ESTATE TRANSFER TAX

90 R E TAX TSF PAY TO COUNTIES

66,000

76,000

\* OTHER PROVISIONS OF LAW NOTWITHSTANDING ALL REVENUE RECEIVED UNDER THE PROVISIONS RSA 78-8: 8 SHALL BE DEPOSITED WITH THE TREASURER AS UNRESTRICTED REVENUE. SUCH SUMS AS MAY BE NECESSARY TO FULLY COMPLY WITH SAID SECTION, IN ADDITION TO THE AMOUNTS APPROPRIATED HEREWITH, MAY BE EXPENDED WITH THE APPROVAL OF GOVERNOR AND COUNCIL ON THE WARRANT OF THE GOVERNOR OUT OF ANY MONEY IN THE TREASURY NOT OTHERWISE APPROPRIATED; PROVIDED, HOWEVER, THE PERCENT PAYABLE TO THE WATER SUPPLY AND POLLUTION CONTROL COMMISSION PURSUANT TO RSA 78-8:1 NOT BE EFFECTED BY THE PROVISIONS OF THIS FOOTNOTE.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 REAL ESTATE TRANSFER TAX  
 GENERAL FUND

66,000

75,000

66,000

75,000

01 GENERAL GOVERNMENT (CONT.)  
03 REVENUE ADMINISTRATION (CONT.)  
02 REVENUE COLLECTIONS (CONT.)  
04 REAL ESTATE TRANSFER TAX

TOTAL	66,000	76,000	
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
REVENUE COLLECTIONS	1,272,176		1,278,618
GENERAL FUND			
OTHER FUNDS	1,011,345		992,456
TOTAL	260,831		286,162
	1,272,176		1,278,618
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
REVENUE ADMINISTRATION	2,423,289		2,428,332
GENERAL FUND			
OTHER FUNDS	2,060,698		2,034,873
TOTAL	382,591		393,459
	2,423,289		2,428,332

COST RECORDS SHALL BE MAINTAINED OF ALL ACTUAL COSTS APPLICABLE TO SERVICES PERFORMED FOR LOCAL COMMUNITIES BY THE DEPARTMENT OF REVENUE ADMINISTRATION RELATIVE TO AUDITS AND APPRAISALS. SAID ACTUAL COSTS SHALL BE BILLED TO LOCAL COMMUNITIES ON A MONTHLY BASIS PRIOR TO THE TENTH DAY OF THE SUCCEEDING MONTH.

01 GENERAL GOVERNMENT  
10 STATE TREASURY  
01 ST TREAS RECEIPT & DISBURSEMENT

10 PERMANENT PERSONAL SERVICES			
11 SALARY OF TREASURER	228,247		221,549
12 SALARY OF DEPUTY TREASURER	26,706		25,717
20 CURRENT EXPENSES	19,162		18,494
30 EQUIPMENT	39,200		41,500
50 OTHER PERSONAL SERVICES	16,058		2,500
60 BENEFITS	3,000		3,000
70 IN-STATE TRAVEL	41,293		40,040
80 OUT-OF-STATE TRAVEL	240		240
95 COP SERVICES	900		800
96 BOND ISSUE STATEMENT	41,078		87,298
	25,000		

01 GENERAL GOVERNMENT (CONT.)  
 10 STATE TREASURY (CONT.)  
 01 ST TREAS RECEIPT & DISBURSEMEN (CONT.)

TOTAL	440,784	441,138
ESTIMATED SOURCE OF FUNDS FOR		
ST TREAS RECEIPT & DISBURSEMEN		
09 AGENCY INCOME	25,000	
GENERAL FUND	415,784	441,138

\*  
 REVENUE IN EXCESS OF THE ESTIMATE RESULTING  
 FROM SALE OF BOND ISSUE STATEMENTS MAY BE  
 EXPENDED WITH PRIOR APPROVAL OF THE GOVERNOR  
 AND COUNCIL.

TOTAL	440,784	441,138
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01 GENERAL GOVERNMENT  
 10 STATE TREASURY  
 02 RETIREMENT DIVISION

10 PERMANENT PERSONAL SERVICES	137,804	134,604
11 SALARY OF ASST TO ST TREASURER	16,044	13,950
20 CURRENT EXPENSES	22,503	28,743
30 EQUIPMENT	3,415	2,125
50 OTHER PERSONAL SERVICES	7,200	7,200
60 BENEFITS	23,499	22,930
70 IN-STATE TRAVEL	1,900	2,520
80 OUT-OF-STATE TRAVEL	150	200
90 ACCRUED LIABILITY	1,368,911	1,358,911
91 NORMAL CONTRIBUTION	4,175,025	4,592,528
92 HOSPITALIZATION RETIRED	373,185	423,191
93 INDIRECT COSTS	171,280	105,321
94 OFFICE RENTAL	18,000	18,000
95 CDP SERVICES	165,987	110,987
96 TRAINING & EDUCATION	300	300
99 CONSULTING SERVICES	1,900	2,100

TOTAL	6,487,107	6,836,210
-------	-----------	-----------

ESTIMATED SOURCE OF FUNDS FOR  
 RETIREMENT DIVISION  
 09 ADMIN. COST ASSESSMENT  
 GENERAL FUND  
 TOTAL

	553,433	436,491
	5,933,674	6,399,719
TOTAL	6,487,107	6,836,210

01 GENERAL GOVERNMENT  
 10 STATE TREASURY  
 02 RETIREMENT DIVISION  
 (CONT.)  
 (CONT.)  
 (CONT.)

THE PRO RATA SHARE OF THE ADMINISTRATIVE COST FOR THE BIENNIAL ENDING JUNE 30, 1979 SHALL BE ONE QUARTER OF ONE PERCENT OF THE PAYROLL OF THE EMPLOYEES OF THE EMPLOYERS WHO ARE MEMBERS. THIS APPROPRIATION SHALL BE A CHARGE ON THE ADMINISTRATIVE COST ACCOUNT FUNDS. PROVIDED THAT THE APPROPRIATIONS FOR ACCRUED LIABILITY, NORMAL CONTRIBUTION, AND HOSPITALIZATION GROUP LIFE INSURANCE SHALL BE A CHARGE AGAINST THE GENERAL FUNDS OF THE STATE.

01 GENERAL GOVERNMENT  
 10 STATE TREASURY  
 03 TRUST FUNDS

90 AGRICULTURAL COLLEGE FUND  
 91 HAMILTON SMITH FUND  
 92 BENJAMIN THOMPSON FUND

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 TRUST FUNDS  
 GENERAL FUND  
 TOTAL

4,800  
 400  
 31,900

37,100

37,100

01 GENERAL GOVERNMENT  
 10 STATE TREASURY  
 04 SPECIAL GENERAL FUND DISTRIBUTION

37,100  
 37,100

90 BSN PROFITS DISTRIBUTION  
 91 DEBT SERVICE  
 92 FISH & GAME - SEARCH & RESCUE

25,576,013  
 8,103,600  
 60,000

26,854,813  
 9,786,450  
 50,000

\*

IN THE EVENT THAT THE APPROPRIATION MADE HEREIN IS NOT SUFFICIENT TO MEET ALL LEGAL OBLIGATIONS UNDER THIS SECTION THE GOVERNOR, UPON REQUEST OF THE TREASURER, IS AUTHORIZED TO DRAW HIS WARRANT FOR SUCH ADDITIONAL FUNDS AS MAY BE NECESSARY FROM ANY MONEY IN THE TREASURY NOT



01 GENERAL GOVERNMENT  
 10 STATE TREASURY  
 04 SPECIAL GENERAL FUND DISTRIB  
 (CONT.)  
 (CONT.)

## OTHERWISE APPROPRIATED.

TOTAL	33,739,613	36,701,263
ESTIMATED SOURCE OF FUNDS FOR		
SPECIAL GENERAL FUND DISTRIB	33,739,613	36,701,263
GENERAL FUND	33,739,613	36,701,263
TOTAL		
TOTAL	40,704,604	44,015,711
ESTIMATED SOURCE OF FUNDS FOR		
STATE TREASURY	40,126,171	44,579,220
GENERAL FUND	578,433	436,491
OTHER FUNDS	40,704,604	44,015,711
TOTAL		

00  
 00  
 00  
 00  
 00  
 00

01 GENERAL GOVERNMENT  
 11 BOARD OF TAXATION

10 PERMANENT PERSONAL SERVICES	53,334	51,419
11 SALARY OF COMMISSIONERS	60,125	58,354
20 CURRENT EXPENSES	3,900	3,950
30 EQUIPMENT	1,055	
50 OTHER PERSONAL SERVICES	7,000	7,500
60 BENEFITS	17,429	16,905
70 IN-STATE TRAVEL	6,000	6,500
TOTAL	148,843	144,628
ESTIMATED SOURCE OF FUNDS FOR		
BOARD OF TAXATION	148,843	144,628
GENERAL FUND	148,843	144,628
TOTAL		
TOTAL	55,430,446	69,866,398



## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

## 01 JUDICIAL BRANCH

## 01 SUPREME COURT

## 03 CRIME COMMISSION GRANT

90 CONTINUING JUDICIAL EDUCATION  
 91 ADMIN OF COMM ON PROB CONDUCT  
 92 ADMIN ASST TO CHIEF JUSTICE  
 98 INDIRECT COSTS

E

3,000  
 28,906  
 44,123  
 7,603

3,000  
 29,222  
 44,569  
 4,607

## TOTAL

ESTIMATED SOURCE OF FUNDS FOR  
 CRIME COMMISSION GRANT  
 04 CRIME COMMISSION FUNDS  
 TOTAL

83,632

81,398

## TOTAL

83,632  
83,63281,398  
81,398

## TOTAL

ESTIMATED SOURCE OF FUNDS FOR  
 SUPREME COURT  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

514,372

499,383

430,740  
83,632  
514,372417,985  
81,398  
499,383

## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

## 01 JUDICIAL BRANCH

## 02 SUPERIOR COURT

## 01 SUPERIOR COURT

## 11 SALARY OF JUDGES

## 12 SALARY OF JUDICIAL REFEREES

## 13 SALARY OF COURT STENOGRAPHERS

## 14 RETIRED JUSTICES

## 20 CURRENT EXPENSES

## 30 EQUIPMENT

## 60 BENEFITS

## 70 IN-STATE TRAVEL

## 80 OUT-OF-STATE TRAVEL

## 91 TRANSCRIBING SERVICES

## 95 WIDOW'S BENEFITS

\*\*

493,075  
 28,740  
 295,958  
 50,934  
 50,824  
 570  
 78,224  
 27,030  
 2,000  
 20,000  
 17,082

476,132  
 28,077  
 285,000  
 50,934  
 32,673  
 570  
 74,981  
 27,000  
 2,000  
 20,000  
 17,082

\*

THE FUNDS IN THIS APPROPRIATION ARE FOR COURT  
 STENOGRAPHERS WHICH MAY BE INCREASED WITH AP-  
 PROVAL OF GOVERNOR AND COUNCIL PROVIDED THE  
 COUNTIES ARE BILLED FOR TOTAL EXPENDITURES  
 INCLUDING ALL FRINGE BENEFITS.

\*\*

THE FUNDS IN THIS APPROPRIATION ARE FOR

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 01 JUDICIAL BRANCH (CONT.)  
 02 SUPERIOR COURT (CONT.)  
 01 SUPERIOR COURT (CONT.)

TRANSCRIBING SERVICES WHICH MAY BE INCREASED  
 WITH APPROVAL OF GOVERNOR AND COUNCIL PROVIDED  
 THE COUNTIES ARE BILLED FOR TOTAL EXPENDITURES  
 INCLUDING ALL FRINGE BENEFITS.

TOTAL	1,042,407	1,014,449
ESTIMATED SOURCE OF FUNDS FOR		
SUPERIOR COURT		
02 HIGHWAY FUNDS	136,411	133,340
09 COUNTY -STENOS	360,352	347,750
GENERAL FUND	545,644	533,359
TOTAL	1,042,407	1,014,449

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 01 JUDICIAL BRANCH  
 02 SUPERIOR COURT  
 02 ADMINISTRATIVE SERVICES

11 SALARY OF ADMIN ASST	11,231	10,815
20 CURRENT EXPENSES	3,200	3,200
30 EQUIPMENT	747	165
50 OTHER PERSONAL SERVICES	3,600	3,600
59 FULL TIME TEMPORARY	7,425	7,695
60 BENEFITS	2,800	2,776
70 IN-STATE TRAVEL	250	250

TOTAL	29,253	28,501
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATIVE SERVICES		
02 HIGHWAY FUNDS	5,851	5,701
GENERAL FUND	23,402	22,800
TOTAL	29,253	28,501

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 01 JUDICIAL BRANCH  
 02 SUPERIOR COURT  
 03 LAW CLERK - SUPERIOR COURT

20 CURRENT EXPENSES	1,500	1,500
30 EQUIPMENT	747	165
50 OTHER PERSONAL SERVICES	26,726	28,056
60 BENEFITS	1,563	1,641
70 IN-STATE TRAVEL	375	375
91 INDIRECT COSTS	752	797

TOTAL	31,663	32,534
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02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 01 JUDICIAL BRANCH (CONT.)  
 02 SUPERIOR COURT (CONT.)  
 03 LAW CLERK - SUPERIOR COURT (CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
 LAW CLERK - SUPERIOR COURT  
 02 HIGHWAY FUNDS  
 GENERAL FUND  
 TOTAL

6,333 6,507  
 25,330 25,327  
 31,663 32,154

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 01 JUDICIAL BRANCH  
 02 SUPERIOR COURT  
 04 CRIME COMMISSION GRANT

90 LAW CLERKS  
 91 INDIRECT COSTS  
 92 CONTINUING JUDICIAL EDUCATION  
 93 COURT RECORDING SYSTEM  
 94 COURT REPORTING SYSTEM OPERATO  
 TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 CRIME COMMISSION GRANT  
 04 CRIME COMMISSION FUNDS  
 TOTAL

38,221 36,123  
 2,782 1,855  
 10,500 10,500  
 10,400  
 8,408  
 70,311 48,478  
 70,311 48,478  
 70,311 48,478

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 01 JUDICIAL BRANCH  
 02 SUPERIOR COURT  
 05 SENTENCE REVIEW

11 SALARY OF SECRETARY-CLERK  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 60 BENEFITS

8,287 8,775  
 450 475  
 165  
 1,243 1,316

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 SENTENCE REVIEW  
 02 HIGHWAY FUNDS  
 GENERAL FUND  
 TOTAL

10,145 10,566  
 2,029 2,114  
 8,116 8,452  
 10,145 10,566

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 SUPERIOR COURT  
 GENERAL FUND  
 OTHER FUNDS

1,183,779 1,134,528  
 602,492 540,638  
 581,287 543,890

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 01 JUDICIAL BRANCH  
 02 SUPERIOR COURT  
 (CONT.)  
 (CONT.)

TOTAL	1,183,779	1,134,528
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION		
01 JUDICIAL BRANCH		
03 PROBATE COURT		
11 SALARIES-JUDGES REG & DEP REG		
20 CURRENT EXPENSES	277,919	208,444
60 BENEFITS	600	600
91 CONTINUING JUDICIAL EDUCATION	41,688	41,257
92 SECRETARIAL SERVICES	2,000	2,000
	500	500
TOTAL	322,707	311,811
ESTIMATED SOURCE OF FUNDS FOR		
PROBATE COURT		
GENERAL FUND		
TOTAL	322,707	311,811
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION		
01 JUDICIAL BRANCH		
04 PROCEDURAL DEVELOPMENT AND ADMINISTRATION		
01 JUDICIAL COUNCIL - ADM		
10 PERMANENT PERSONAL SERVICES		
11 EXEC SECT-(HALF-TIME)	6,671	6,815
20 CURRENT EXPENSES	7,500	7,500
60 BENEFITS	3,000	3,000
	2,126	2,147
TOTAL	19,297	19,463
ESTIMATED SOURCE OF FUNDS FOR		
JUDICIAL COUNCIL - ADM		
GENERAL FUND		
TOTAL	19,297	19,463

\*  
 THE BALANCE IN THE APPROPRIATION AT JUNE 30  
 1978 SHALL NOT LAPSE, BUT SHALL BE EXPENDED  
 SOLELY FOR THE EXPENSES OF PREPARING THE 17TH  
 BIENNIAL REPORT OF THE JUDICIAL COUNCIL IN  
 FISCAL 1979.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 01 JUDICIAL BRANCH  
 04 PROCEDURAL DEVELOPMENT AND ADMINISTRATION  
 02 ADM DISTRICT & MUNICIPAL COURT

10 PERMANENT PERSONAL SERVICES  
 11 EXEC SECT-(HALF-TIME)  
 20 CURRENT EXPENSES  
 60 BENEFITS  
 70 IN-STATE TRAVEL

9,136  
 10,000  
 1,500  
 2,870  
 600

8,938  
 10,000  
 1,500  
 2,841  
 636

TOTAL

ESTIMATED SOURCE OF FUNDS FOR  
 ADM DISTRICT & MUNICIPAL COURT  
 GENERAL FUND  
 TOTAL

24,106

23,315

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 01 JUDICIAL BRANCH  
 04 PROCEDURAL DEVELOPMENT AND ADMINISTRATION  
 03 CRIME COMMISSION GRANT

93 JUVENILE JUSTICE PROC. IMPVMT  
 96 ADJUD SYST - EQUIP. & FACILITIE  
 96 ADJUD SYST - PERSONNEL  
 97 ADJUD SYST - PROCEDURE IMPVMT  
 98 INDIRECT COSTS

25,000  
 35,000  
 40,000  
 25,000  
 15,000

26,500  
 37,100  
 42,400  
 26,500  
 15,900

TOTAL

ESTIMATED SOURCE OF FUNDS FOR  
 CRIME COMMISSION GRANT  
 04 CRIME COMMISSION FUNDS  
 TOTAL

140,000

143,400

TOTAL

140,000  
 140,000

148,400  
 148,400

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 PROCEDURAL DEVELOPMENT AND ADMINISTRATION  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

183,403

191,778

43,403  
 140,000  
 183,403

43,378  
 148,400  
 191,778

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 JUDICIAL BRANCH  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

2,204,261

2,137,500

1,399,342  
 806,919  
 2,204,261

1,363,812  
 773,688  
 2,137,500

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
02 ADJUTANT GENERAL DEPARTMENT  
01 ADJ GEN MAINT PREP FORCE

10 PERMANENT PERSONAL SERVICES  
11 SALARY OF ADJUTANT GENERAL  
20 CURRENT EXPENSES  
30 EQUIPMENT  
50 OTHER PERSONAL SERVICES  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
90 CONTRACT MAINT. REPAIRS  
91 MAINT PREP FORCE  
95 INTRUSION DETECTION SYSTEM  
96 MAINTENANCE-DWN FORCES

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
ADJ GEN MAINT PREP FORCE  
01 TRANSFER FROM MOTOR VEHICLE  
06 AGENCY INCOME  
09 AGENCY INCOME  
GENERAL FUND  
TOTAL

4,22,989  
20,472  
461,672  
1,650  
950  
66,575  
716  
1,023  
16,275  
9,000  
7,886  
3,900

1,013,108  
20,000  
263,482  
27,000  
702,626  
1,013,108

412,964  
13,714  
472,717  
680  
950  
54,958  
759  
1,160  
16,860  
9,500  
8,359  
2,950

1,011,571  
20,000  
311,765  
27,000  
652,806  
1,011,571

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
02 ADJUTANT GENERAL DEPARTMENT  
02 TRAINING EDUCATION

90 EDUCATIONAL AIDS  
91 INSTRUCTORS  
TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
TRAINING EDUCATION  
GENERAL FUND  
TOTAL

900  
3,000

4,150  
4,150  
4,150

950  
3,200

3,900  
3,900  
3,900

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
ADJUTANT GENERAL DEPARTMENT  
GENERAL FUND  
OTHER FUNDS  
TOTAL

1,017,008  
706,526  
310,482  
1,017,008

1,015,721  
656,956  
358,765  
1,015,721



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 02 ADJUTANT GENERAL DEPARTMENT (CONT.)  
 (CONT.)

NOT WITHSTANDING ANY OTHER STATUTE OR LAW TO THE CONTRARY, THE ADJUTANT GENERAL'S DEPARTMENT MAY NOT CONTRACT WITH THE FEDERAL GOVERNMENT TO CONSTRUCT ANY NEW BUILDINGS DURING THIS BIENNIMUM NOR MAY THEY RECEIVE OR ACCEPT ANY NEW BUILDINGS FROM ANY OTHER SOURCE WITH OR WITHOUT THE PERMISSION OF GOVERNOR AND COUNCIL.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 03 AGRICULTURE  
 J1 OFFICE OF COMMISSIONER

10 PERMANENT PERSONAL SERVICES	67,838		65,426
11 SALARY OF COMMISSIONER	20,721		20,146
20 CURRENT EXPENSES	23,665		23,565
30 EQUIPMENT	80		
60 BENEFITS	13,284		12,136
70 IN-STATE TRAVEL	1,325		1,325
80 OUT-OF-STATE TRAVEL	700		700
90 PROMOTION	2,500		2,500
91 PAYMENT TO AGRICULTURAL FAIRS	200,000		200,000
92 AGRICULTURAL FAIRS IMPROVEMENT	50,000		25,000
TOTAL	380,113		351,598

ESTIMATED SOURCE OF FUNDS FOR		
OFFICE OF COMMISSIONER	380,113	351,598
GENERAL FUND	380,113	351,598
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 03 AGRICULTURE  
 02 MEAT INSPECTION

10 PERMANENT PERSONAL SERVICES	98,009		95,710
20 CURRENT EXPENSES	2,650		2,565
30 EQUIPMENT	3,560		3,810
50 OTHER PERSONAL SERVICES	1,932		1,832
60 BENEFITS	14,761		14,417
70 IN-STATE TRAVEL	7,795		7,795
80 OUT-OF-STATE TRAVEL	225		225
90 INDIRECT COSTS	22,416		22,395
TOTAL	150,248		147,949

TOTAL

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 03 AGRICULTURE (CONT.)  
 02 MEAT INSPECTION (CONT.)

ESTIMATED SOURCE OF FUNDS FOR

MEAT INSPECTION  
 00 FEDERAL FUNDS  
 GENERAL FUND  
 TOTAL

72,070  
 75,879  
 147,949

73,344  
 76,904  
 150,248

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 03 AGRICULTURE  
 03 BUR WEIGHTS & MEASURES

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 TOTAL

92,086  
 5,000  
 3,560  
 13,813  
 8,800  
 400

88,818  
 5,000  
 500  
 13,323  
 8,800  
 400

116,941

123,661

ESTIMATED SOURCE OF FUNDS FOR  
 BUR WEIGHTS & MEASURES  
 GENERAL FUND  
 TOTAL

116,941  
 116,941

123,661  
 123,661

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 03 AGRICULTURE  
 04 BUREAU OF MARKETS

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 N E COOP RPTG SUS  
 91 COOPERATION WITH FEDERAL GOV  
 93 EGG SURVEILLANCE  
 94 INDIRECT COSTS  
 TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 BUREAU OF MARKETS  
 00 FEDERAL FUNDS  
 GENERAL FUND  
 TOTAL

79,295  
 60,350  
 11,894  
 3,500  
 100  
 800  
 150  
 8,148  
 2,652

77,006  
 62,430  
 3,810  
 11,551  
 3,500  
 100  
 800  
 150  
 8,094  
 2,706

170,117

166,889

10,800  
 156,317  
 170,117

10,800  
 156,089  
 166,889

## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

03 AGRICULTURE  
05 DIV ANIMAL INDUSTRY

10 PERMANENT PERSONAL SERVICES	137,144	133,125
11 SALARY OF STATE VETERINARIAN	19,619	18,902
20 CURRENT EXPENSES	12,500	12,500
30 EQUIPMENT		4,902
50 OTHER PERSONAL SERVICES	1,800	1,800
60 BENEFITS	23,620	22,909
70 IN-STATE TRAVEL	6,500	6,500
80 OUT-OF-STATE TRAVEL	250	300
90 VETERINARY SERVICES - NON TEST	150	160
91 TUBERCULAR TESTING	11,500	11,500
92 BRUCELLOSIS & LEPTOSPIROSIS	11,000	11,000
93 INDEMNITIES CONDEMNED ANIMALS	6,500	
94 OPERATION VET DIAG LAB	45,000	45,000
96 OFFICE RENTAL	14,894	14,567

\* OTHER PROVISIONS OF LAW NOTWITHSTANDING, THE VETERINARY DIAGNOSTIC LABORATORY IS AUTHORIZED TO CHARGE FEES TO USERS AND IS AUTHORIZED TO USE THESE ADDITIONAL SUMS AS MAY BE NECESSARY FOR OPERATION OF THE DIAGNOSTIC LABORATORY.

TOTAL	290,477	282,965
ESTIMATED SOURCE OF FUNDS FOR		
DIV ANIMAL INDUSTRY		
GENERAL FUND	290,477	282,965
TOTAL	290,477	282,965

## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

03 AGRICULTURE  
06 AGRICULTURAL REGULATION PROGRAMS  
01 REG FERTIL, FEEDS & SEED TEST

10 PERMANENT PERSONAL SERVICES	10,936	10,644
20 CURRENT EXPENSES	425	425
60 BENEFITS	1,649	1,597
70 IN-STATE TRAVEL	1,300	1,300
80 OUT-OF-STATE TRAVEL	150	150
90 UNH FEED, SEED & FERT TESTING	25,000	25,000
TOTAL	39,520	39,116
ESTIMATED SOURCE OF FUNDS FOR		
REG FERTIL, FEEDS & SEED TEST		
GENERAL FUND	39,520	39,116
TOTAL	39,520	39,116

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 03 AGRICULTURE  
 06 AGRICULTURAL REGULATION PROGRAMS  
 02 PESTICIDE CONTROL

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 EXP OF PESTICIDE CONTROL LAW

A

29,103  
 1,500  
 125  
 4,365  
 3,500  
 100  
 1,500

28,467  
 1,500

40,193  
 39,337

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 PESTICIDE CONTROL  
 GENERAL FUND

39,337  
 39,337

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 03 AGRICULTURE  
 06 AGRICULTURAL REGULATION PROGRAMS  
 03 LIC LIVE POULTRY DEALERS

20 CURRENT EXPENSES

140

140

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 LIC LIVE POULTRY DEALERS  
 GENERAL FUND

140

140  
 140

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 AGRICULTURAL REGULATION PROGRAMS  
 GENERAL FUND

78,593

79,853

78,593  
 78,593

79,853  
 79,853

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 03 AGRICULTURE  
 07 AGRICULTURAL RESOURCES  
 01 EASTERN STATES EXHIBITS

90 EASTERN STATES EXHIBITION

12,365

12,365

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 EASTERN STATES EXHIBITS  
 GENERAL FUND

12,365

12,365



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 03 AGRICULTURE  
 07 AGRICULTURAL RESOURCES  
 01 EASTERN STATES EXHIBITS

## TOTAL

12,365

12,365

## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

03 AGRICULTURE  
 07 AGRICULTURAL RESOURCES  
 02 DISEASE SUPP & DIAGNOSIS

## 10 PERMANENT PERSONAL SERVICES

## 20 CURRENT EXPENSES

## 30 EQUIPMENT

## 50 OTHER PERSONAL SERVICES

## 60 BENEFITS

## 70 IN-STATE TRAVEL

## 80 OUT-OF-STATE TRAVEL

## 90 MONEYBEE FOULBROOD DISEASE

## TOTAL

## ESTIMATED SOURCE OF FUNDS FOR

## DISEASE SUPP &amp; DIAGNOSIS

## 09 AGENCY INCOME

## GENERAL FUND

## TOTAL

76,036

71,834

2,700

2,800

73,306

69,034

76,006

71,834

## TOTAL

## ESTIMATED SOURCE OF FUNDS FOR

## AGRICULTURAL RESOURCES

## GENERAL FUND

## OTHER FUNDS

## TOTAL

88,371

84,199

85,671

81,399

2,700

2,800

88,371

94,199

## TOTAL

## ESTIMATED SOURCE OF FUNDS FOR

## AGRICULTURE

## FEDERAL FUNDS

## GENERAL FUND

## OTHER FUNDS

## TOTAL

1,279,612

1,232,362

84,144

82,870

1,192,768

1,146,692

2,700

2,800

1,279,612

1,232,362

OTHER PROVISIONS OF LAW NOTWITHSTANDING,  
 REVENUE RECEIVED FROM (A) PESTICIDE CONTROL  
 LAW ECONOMIC POISONS; (B) WEIGHTS AND MEASURES

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
03 AGRICULTURE (CONT.)

INSPECTION FEES; AND (C) PULLORUM-TYPHOID AND  
P. P. L. O. TESTING SHALL BE DEPOSITED WITH THE  
STATE TREASURER AS UNRESTRICTED GENERAL FUND  
REVENUE.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
04 ATTORNEY GENERAL  
01 DIVISION OF LEGAL COUNSEL  
01 ADMINISTRATIVE

10 PERMANENT PERSONAL SERVICES  
11 SALARY OF ATTORNEY GENERAL  
12 SALARY OF DEPUTY ATT GENERAL  
13 SALARY OF NINE ASST ATTY GEN  
20 CURRENT EXPENSES  
30 EQUIPMENT  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
91 COURT & SHERIFF FEES  
92 PUBLIC STENOGRAPHERS  
95 B & M RAILROAD LITIGATION

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
ADMINISTRATIVE  
01 TRANSFER FROM WELFARE  
GENERAL FUND  
TOTAL

78,651  
30,226  
24,535  
198,257  
20,000  
3,265  
45,577  
2,512  
1,200  
300  
3,000  
25,000

432,633  
59,241  
373,392  
432,633

70,446  
29,143  
23,722  
194,628  
20,000  
3,500  
44,728  
2,670  
1,200  
300  
3,300  
25,000

424,537  
52,735  
301,842  
424,537

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
04 ATTORNEY GENERAL  
01 DIVISION OF LEGAL COUNSEL  
02 CHARITABLE TRUST

10 PERMANENT PERSONAL SERVICES  
11 SALARY OF THE DIRECTOR  
20 CURRENT EXPENSES  
30 EQUIPMENT  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL

20,214  
7,799  
800  
650  
4,202  
250  
100

19,750  
7,948  
800  
50  
4,135  
250  
100

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 04 ATTORNEY GENERAL (CONT.)  
 01 DIVISION OF LEGAL COUNSEL (CONT.)  
 02 CHARITABLE TRUST (CONT.)

ACTUAL COST OF PRINTING AND BINDING CHARITABLE TRUST DIRECTORIES SHALL BE RECOVERED BY PRORATA CHARGES TO PURCHASERS OF SAID DIRECTORY, SUCH RECOVERED FUNDS SHALL BE DEPOSITED AS UNRESTRICTED REVENUE.

TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
CHARITABLE TRUST					33,053
GENERAL FUND					33,053
TOTAL	34,015				33,053

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 04 ATTORNEY GENERAL  
 01 DIVISION OF LEGAL COUNSEL  
 03 CRIME COMMISSION GRANT

90 WHITE COLLAR CRIME UNIT					
91 INDIRECT COSTS					65,000
TOTAL	60,000				4,394

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 CRIME COMMISSION GRANT  
 04 CRIME COMMISSION FUNDS  
 TOTAL

	64,056				63,394
	64,056				63,394
	64,056				63,394

TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF LEGAL COUNSEL-					
GENERAL FUND					527,084
OTHER FUNDS					394,895
TOTAL	530,704				123,189
					527,084

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 04 ATTORNEY GENERAL  
 02 DIV OF CONSUMER PROTECTION AND LAND DISCLOSURE  
 01 CONSUMER PROTECTION

10 PERMANENT PERSONAL SERVICES					
11 SALARY OF ONE ASST ATTY GEN					65,253
20 CURRENT EXPENSES					20,561
30 EQUIPMENT					5,600
60 BENEFITS					215
70 IN-STATE TRAVEL					12,634
TOTAL	66,952				2,200

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 04 ATTORNEY GENERAL (CONT.)  
 02 DIV OF CONSUMER PROTECTION AND LAND DISCLOSURE (CONT.)  
 01 CONSUMER PROTECTION (CONT.)

80 OUT-OF-STATE TRAVEL	500			500
90 COURT & SHERIFFS FEES	300			300
TOTAL		109,474		107,263
ESTIMATED SOURCE OF FUNDS FOR				
CONSUMER PROTECTION				
GENERAL FUND		139,474		107,263
TOTAL		109,474		107,263

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 04 ATTORNEY GENERAL  
 02 DIV OF CONSUMER PROTECTION AND LAND DISCLOSURE  
 02 LAND SALES FULL DISCLOSURE

10 PERMANENT PERSONAL SERVICES	8,919			8,589
11 SALARY OF ASSISTANT ATT GEN	19,872			20,071
20 CURRENT EXPENSES	1,100			1,200
30 EQUIPMENT	100			100
60 BENEFITS	4,121			4,090
70 IN-STATE TRAVEL	450			500
80 OUT-OF-STATE TRAVEL	100			100
90 ENFORCEMENT EXPENSES	500			500
TOTAL		35,162		35,150
ESTIMATED SOURCE OF FUNDS FOR				
LAND SALES FULL DISCLOSURE				
GENERAL FUND		35,162		35,150
TOTAL		35,162		35,150

TOTAL		144,636		142,413
ESTIMATED SOURCE OF FUNDS FOR				
DIV OF CONSUMER PROTECTION AND LAND DISCLOSURE				
GENERAL FUND		144,636		142,413
TOTAL		144,636		142,413

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 04 ATTORNEY GENERAL  
 03 DIV CRIMINAL JUSTICE

10 PERMANENT PERSONAL SERVICES	48,856			48,287
11 SALARY OF NINE ASST ATT GEN	198,994			194,423
20 CURRENT EXPENSES	14,000			15,000
30 EQUIPMENT	650			100



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 04 ATTORNEY GENERAL (CONT.)  
 03 DIV CRIMINAL JUSTICE (CONT.)

60 BENEFITS	34,222		33,720
70 IN-STATE TRAVEL	4,000		4,000
80 OUT-OF-STATE TRAVEL	1,000		1,000
90 COURT AND SHERIFF FEES	220		220

TOTAL		301,942	296,750
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ESTIMATED SOURCE OF FUNDS FOR			
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DIV CRIMINAL JUSTICE			
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GENERAL FUND			
--------------	--	--	--

TOTAL		301,942	296,750
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02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

04 ATTORNEY GENERAL

04 EMINENT DOMAIN & PM&H

10 PERMANENT PERSONAL SERVICES	20,447		19,590
11 SALARIES OF FOUR ASST ATT GEN	88,687		87,330
20 CURRENT EXPENSES	5,000		5,000
30 EQUIPMENT	170		750
60 BENEFITS	15,043		14,806
70 IN-STATE TRAVEL	1,000		1,250
80 OUT-OF-STATE TRAVEL	300		300

TOTAL		130,647	129,126
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ESTIMATED SOURCE OF FUNDS FOR			
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EMINENT DOMAIN & PM&H			
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02 HIGHWAY			
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TOTAL		130,647	129,126
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02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

04 ATTORNEY GENERAL

05 ENVIRONMENTAL PROTECTION

10 PERMANENT PERSONAL SERVICES	8,857		8,528
11 SALARY OF TWO ASST ATT GEN	45,900		44,200
20 CURRENT EXPENSES	2,100		2,200
30 EQUIPMENT	400		415
60 BENEFITS	7,459		7,254
70 IN-STATE TRAVEL	600		700
80 OUT-OF-STATE TRAVEL	600		500
90 COURT FEES	500		500
91 EXPERT WITNESSES	500		500
92 LITIGATION EXPENSE	2,000		2,000

TOTAL		68,916	66,897
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12 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 04 ATTORNEY GENERAL (CONT.)  
 05 ENVIRONMENTAL PROTECTION (CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
 ENVIRONMENTAL PROTECTION  
 GENERAL FUND  
 TOTAL

68,916 66,897  
 68,916 66,897

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 ATTORNEY GENERAL  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

1,176,845 1,162,270  
 922,901 900,955  
 253,944 261,315  
 1,176,845 1,162,270

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 05 BANK COMMISSION  
 01 GENERAL SERVICES AND ADMIN.

10 PERMANENT PERSONAL SERVICES  
 11 SALARY OF BANK COMMISSIONER  
 12 SALARY OF DEPUTY BANK COMM  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 INDIRECT COSTS

331,876  
 26,826  
 22,842  
 44,838  
 5,095  
 2,627  
 57,385  
 35,000  
 750  
 6,310

324,017  
 25,836  
 21,996  
 -3,470  
 5,894  
 2,377  
 55,316  
 37,000  
 850  
 6,577

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 GENERAL SERVICES AND ADMIN.  
 09 BANK ASSESSMENTS  
 TOTAL

533,549 524,033  
 533,549 524,033  
 533,549 524,033

OTHER PROVISIONS OF LAW NOTWITHSTANDING, TOTAL  
 EXPENDITURES, INCLUDING COMMISSIONER'S SALARY,  
 SHALL BE ASSESSED AGAINST THE BANKING  
 INSTITUTIONS.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 -05 BANK COMMISSION  
 02 SMALL LOAN & VEHICLE FINANCE

10 PERMANENT PERSONAL SERVICES

20 CURRENT EXPENSES 24,542  
 60 BENEFITS 3,862  
 70 IN-STATE TRAVEL 3,681  
 80 OUT-OF-STATE TRAVEL 870  
 90 INDIRECT COSTS 325  
 E 788

23,633  
 4,163  
 3,545  
 900  
 335  
 834

TOTAL

33,410

ESTIMATED SOURCE OF FUNDS FOR

SMALL LOAN & VEHICLE FINANCE \*  
 09 SMALL LOAN & MOTOR VEHICLE REV

33,410

\*

OTHER PROVISIONS OF LAW NOTWITHSTANDING,  
 REVENUE RECEIVED FROM SMALL LOAN AND MOTOR  
 VEHICLE FINANCE DIVISION SHALL BE DEPOSITED  
 WITH THE STATE TREASURER AS RESTRICTED REVENUE  
 AND ANY EXCESS OVER REQUIRMENT TO COVER  
 EXPENDITURES SHALL -APSE TO THE UNAPPROPRIATED  
 SURPLUS OF THE GENERAL FUND, NOT WITHSTANDING  
 ANY LAW TO THE CONTRARY, EXPENDITURES FROM  
 THIS FUND SHALL BE SUBJECT TO BUDGETARY  
 LIMITATIONS.

TOTAL

34,068

33,410

TOTAL

ESTIMATED SOURCE OF FUNDS FOR

BANK COMMISSION

OTHER FUNDS

TOTAL

567,617

557,443

567,617

557,443

567,617

557,443

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

06 BOARDS

01 ACCOUNTANCY BOARD OF

20 CURRENT EXPENSES

30 EQUIPMENT 5,582  
 50 OTHER PERSONAL SERVICES 150  
 60 BENEFITS 7,406  
 70 IN-STATE TRAVEL 433  
 80 OUT-OF-STATE TRAVEL 1,000  
 90 UNIFORM CPA EXAM 150  
 \* 5,500

5,801  
 150  
 7,544  
 441  
 1,000  
 150  
 6,500

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 06 BOARDS (CONT.)  
 01 ACCOUNTANCY BOARD OF (CONT.)

\*  
 THE FUNDS IN THIS CLASS ARE FOR THE PURCHASE OF  
 UNIFORM CPA EXAMINATIONS AND MAY NOT BE TRANS-  
 FERRED OR EXPENDED FOR ANY OTHER PURPOSE. THE  
 AMOUNT MAY BE INCREASED WITH THE APPROVAL OF  
 GOVERNOR AND COUNCIL. PROVIDED THAT THE AMOUNT  
 EXPENDED MAY NOT EXCEED THE TOTAL AMOUNTS  
 CHARGED APPLICANTS FOR SUCH EXAMINATIONS.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 ACCOUNTANCY BOARD OF  
 GENERAL FUND  
 TOTAL

21,686

20,521

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 06 BOARDS  
 02 ARCHITECTS BOARD OF

20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 PROFESSIONAL FEES

3,432  
 120  
 6,400  
 374  
 600  
 480  
 950

3,521  
 6,400  
 374  
 500  
 480  
 950

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 ARCHITECTS BOARD OF  
 GENERAL FUND  
 TOTAL

12,325

12,356

12,325  
12,32512,356  
12,356



## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

## 05 BOARDS

## 03 BARBERS BOARD

20 CURRENT EXPENSES  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 TRANSFER TO COSMETOLOGY BOARD

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 BARBERS BOARD  
 GENERAL FUND  
 TOTAL

885  
 1,250  
 73  
 800  
 218  
 3,000

305  
 1,250  
 73  
 800  
 218  
 3,000

6,246

6,226

6,246

6,226

6,246

6,226

## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

## 06 BOARDS

## 04 CHIROPRACTIC EXAMINERS

20 CURRENT EXPENSES  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 CHIROPRACTIC EXAMINERS  
 GENERAL FUND  
 TOTAL

695  
 2,812  
 165  
 496  
 140

730  
 2,812  
 165  
 496  
 140

4,343

4,308

4,343

4,308

4,343

4,308

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
06 BOARDS  
05 DENTAL BOARD

20 CURRENT EXPENSES  
50 OTHER PERSONAL SERVICES  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
90 TRANS TO PUB HLTH-DENT SUC  
A  
TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
DENTAL BOARD  
GENERAL FUND  
TOTAL

1,840  
3,293  
193  
240  
740  
5,500

1,840  
3,293  
193  
240  
740  
5,500

11,806  
11,821  
11,821

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
06 BOARDS  
06 ENGINEERS BOARD OF

10 PERMANENT PERSONAL SERVICES  
20 CURRENT EXPENSES  
30 EQUIPMENT  
50 OTHER PERSONAL SERVICES  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
ENGINEERS BOARD OF  
GENERAL FUND  
TOTAL

7,607  
13,000  
265  
7,500  
1,580  
1,500  
800

7,325  
13,000  
120  
7,500  
1,538  
1,500  
800

32,252  
32,252  
32,252

31,783  
31,783

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 06 BOARDS  
 07 REG PROFESSIONAL FORESTERS

20 CURRENT EXPENSES	505	510
50 OTHER PERSONAL SERVICES	500	500
60 BENEFITS	29	29
70 IN-STATE TRAVEL	300	300
TOTAL	1,334	1,339

ESTIMATED SOURCE OF FUNDS FOR  
 REG PROFESSIONAL FORESTERS  
 GENERAL FUND  
 TOTAL

	1,334	1,339
--	-------	-------

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 06 BOARDS  
 08 FUNERAL DIRECTORS & EMBALMERS

20 CURRENT EXPENSES	1,150	1,150
50 OTHER PERSONAL SERVICES	2,500	2,500
60 BENEFITS	146	146
70 IN-STATE TRAVEL	500	500
80 OUT-OF-STATE TRAVEL	300	300
90 TRAINING AND EDUCATION	600	600
91 TRANS TO PBLG HLTH- VIL STAT	9,000	9,000
TOTAL	14,196	14,196

ESTIMATED SOURCE OF FUNDS FOR  
 FUNERAL DIRECTORS & EMBALMERS  
 GENERAL FUND  
 TOTAL

	14,196	14,196
--	--------	--------

NOTWITHSTANDING THE PROVISIONS OF RSA 325 AS AMENDED, THE ANNUAL FEE FOR CERTIFICATION OF REGISTRATION (BOTH ORIGINAL AND RENEWAL) OF FUNERAL DIRECTORS AND EMBALMERS SHALL BE FIFTY DOLLARS DURING THE PERIOD JULY 1, 1977 THROUGH JUNE 30, 1979. THIS PROVISION, HOWEVER, SHALL NOT INVALIDATE THE REQUIREMENT OF RSA 325:26 WHICH REQUIRES THE BOARD TO CHARGE AN ADDITIONAL FEE OF \$30.00 FOR RENEWAL APPLICATIONS FILE AFTER THE THIRTY FIRST DAY OF DECEMBER AND OR

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 06 BOARDS (CONT.)  
 08 FUNERAL DIRECTORS & EMBALMERS (CONT.)

BEFORE THE FIFTEENTH DAY OF JANUARY.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 06 BOARDS  
 09 COSMETOLOGY BOARD

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 SEMINAR

27,074  
 3,600  
 3,023  
 4,236  
 3,450  
 545  
 500

26,314  
 3,276  
 3,023  
 4,124  
 3,450  
 545  
 500

TOTAL

42,430

41,234

ESTIMATED SOURCE OF FUNDS FOR  
 COSMETOLOGY BOARD  
 01 TRANSFER FROM BARBERS BOARD  
 GENERAL FUND  
 TOTAL

3,000  
 39,430  
 42,430

3,000  
 38,234  
 41,234

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 05 BOARDS  
 10 LAND SURVEYORS

20 CURRENT EXPENSES  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL

1,500  
 3,100  
 181  
 400

1,200  
 3,300  
 193  
 415

TOTAL

5,181

5,108

ESTIMATED SOURCE OF FUNDS FOR  
 LAND SURVEYORS  
 GENERAL FUND  
 TOTAL

5,181  
 5,181

5,108  
 5,108



## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

## 06 BOARDS

## 11 MEDICINE BOARD OF

## 10 PERMANENT PERSONAL SERVICES

## 20 CURRENT EXPENSES

## 50 OTHER PERSONAL SERVICES

## 60 BENEFITS

## 70 IN-STATE TRAVEL

## 80 OUT-OF-STATE TRAVEL

## TOTAL

## ESTIMATED SOURCE OF FUNDS FOR

## MEDICINE BOARD OF

## GENERAL FUND

## TOTAL

7,607  
6,891  
4,300  
1,393  
500  
300

20,991

20,667

20,991

20,667  
20,667

7,325  
5,891  
4,300  
1,351  
500  
300

## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

## 06 BOARDS

## 12 OPTOMETRY BOARD OF

## 20 CURRENT EXPENSES

## 50 OTHER PERSONAL SERVICES

## 60 BENEFITS

## 70 IN-STATE TRAVEL

## 80 OUT-OF-STATE TRAVEL

## 90 CONTINUING EDUCATION

## TOTAL

## ESTIMATED SOURCE OF FUNDS FOR

## OPTOMETRY BOARD OF

## GENERAL FUND

## TOTAL

250  
849  
50  
220  
240  
360

1,969

1,967

1,969

1,967  
1,967

250  
849  
50  
220  
238  
360

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION			
06 BOARDS			
13 REGISTRATION IN PODIATRY			
20 CURRENT EXPENSES	125	413	413
50 OTHER PERSONAL SERVICES	213		
60 BENEFITS	12		
70 IN-STATE TRAVEL	63		
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
REGISTRATION IN PODIATRY			
GENERAL FUND			
TOTAL			
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION			
06 BOARDS			
14 PSYCHOLOGIST BOARD OF			
20 CURRENT EXPENSES	344	1,662	1,662
70 IN-STATE TRAVEL	163		
80 OUT-OF-STATE TRAVEL	55		
90 OTHER PERSONAL SERVICES	500		
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
PSYCHOLOGIST BOARD OF			
GENERAL FUND			
TOTAL			
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION			
06 BOARDS			
15 SHORTHAND COURT REPORTERS			
20 CURRENT EXPENSES	100	100	100
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
SHORTHAND COURT REPORTERS			
GENERAL FUND			
TOTAL			

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 06 BOARDS (CONT.)  
 15 SHORTHAND COURT REPORTERS (CONT.)

TOTAL	100	100
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02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 06 BOARDS  
 16 VETERINARY EXAMINERS

20 CURRENT EXPENSES	752		
30 EQUIPMENT	200	814	
50 OTHER PERSONAL SERVICES	2,100	2,100	
60 BENEFITS	123	123	
70 IN-STATE TRAVEL	135	140	
90 INVESTIGATIONS	250	250	
TOTAL	3,560		3,427
ESTIMATED SOURCE OF FUNDS FOR			
VETERINARY EXAMINERS	3,560		3,427
GENERAL FUND	3,560		3,427
TOTAL			

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 06 BOARDS  
 17 ALARM INSTALLERS BOARD OF

20 CURRENT EXPENSES	100		
70 IN-STATE TRAVEL	300	100	
90 OTHER EXPENDITURES	550	550	
TOTAL	950		950
ESTIMATED SOURCE OF FUNDS FOR			
ALARM INSTALLERS BOARD OF	950		950
GENERAL FUND	950		950
TOTAL			

(CONT.)  
(CONT.)  
(CONT.)

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
06 BOARDS  
17 ALARM INSTALLERS BOARD OF

OTHER PROVISIONS OF THE LAW NOTWITHSTANDING,  
REVENUE SHALL BE DEPOSITED WITH THE STATE  
TREASURER AS UNRESTRICTED REVENUE AND ANY  
BALANCE IN THE FUND BY JUNE 30, 1977 SHALL  
PASS TO THE UNAPPROPRIATED SURPLUS OF THE  
GENERAL FUND.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
06 BOARDS  
18 REGULATION OF ELECTRICIANS

20 CURRENT EXPENSES  
30 EQUIPMENT  
50 OTHER PERSONNEL SERVICES  
59 FULL TIME TEMPORARY  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
REGULATION OF ELECTRICIANS  
GENERAL FUND  
TOTAL

5,160  
950  
3,499  
29,350  
4,608  
2,284  
200

5,327  
3,499  
23,350  
4,308  
2,284  
200

46,051

45,268

46,051  
46,051

45,268  
45,268

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
06 BOARDS  
19 PUBLIC EMPLOYEES LABOR RELATIONS BOARD

20 CURRENT EXPENSES  
30 EQUIPMENT  
50 OTHER PERSONNEL SERVICES  
59 FULL TIME TEMPORARY  
60 BENEFITS  
70 IN-STATE TRAVEL

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
PUBLIC EMPLOYEES LABOR RELATIONS BOARD  
GENERAL FUND

8,850  
995  
9,250  
18,855  
3,369  
1,800

8,200  
300  
8,000  
19,630  
3,263  
2,000

43,119

40,393

43,119

40,393



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 06 BOARDS (CONT.)  
 19 PUBLIC EMPLOYEES LABOR RELATIONS BOARD (CONT.)

TOTAL	43,119	40,393
TOTAL	263,425	264,928
ESTIMATED SOURCE OF FUNDS FOR		
BOARDS		
GENERAL FUND	266,425	261,928
OTHER FUNDS	3,000	3,000
TOTAL	269,425	264,928

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 07 CIVIL AIR PATROL

20 CURRENT EXPENSES	16,000	16,646
30 EQUIPMENT	3,500	3,500
70 IN-STATE TRAVEL	2,250	2,250
90 AUDITOR	500	500
TOTAL	22,250	22,896
ESTIMATED SOURCE OF FUNDS FOR		
CIVIL AIR PATROL		
GENERAL FUND	22,250	22,896
TOTAL	22,250	22,896

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 08 CIVIL DEFENSE

10 PERMANENT PERSONAL SERVICES	100,216	97,602
20 CURRENT EXPENSES	8,000	8,050
50 BENEFITS	15,032	14,640
70 IN-STATE TRAVEL	4,500	4,700
80 OUT-OF-STATE TRAVEL	210	210
90 INDIRECT COSTS	3,665	5,256
91 GILFORD TRAINING CENTER	3,085	1,415
93 RADEF MAINT AND CALIBRATION	33,000	33,000
95 CONTINGENCY FUND - NTRL DISAST	3,000	3,000

\* THIS AMOUNT IS APPROPRIATED FOR THE FIRE  
 SCHOOL AT GILFORD AND SHALL NOT BE TRANSFERRED

02. ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
08 CIVIL DEFENSE (CONT.)

OR EXPENDED FOR ANY OTHER PURPOSE.  
IF FEDERAL FUNDS BECOME AVAILABLE FOR USE AT  
THE GILFORD FIRE SCHOOL, THE GENERAL FUND  
APPROPRIATION FOR THIS CLASS SHALL BE REDUCED  
BY THE AMOUNT OF FEDERAL FUNDS AVAILABLE.

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
CIVIL DEFENSE  
00 FEDERAL FUNDS  
GENERAL FUND  
TOTAL

170,708 167,873  
98,812 98,229  
71,896 69,644  
170,708 167,873

THIS AMOUNT AVAILABLE FOR EXPENDITURES ONLY IF  
FEDERAL GRANTS ARE AVAILABLE. ANY FUNDS IN  
EXCESS OF THE ESTIMATED FEDERAL GRANTS SHALL  
BE AVAILABLE FOR SUCH FURTHER EXPENDITURE AS  
THE GOVERNOR AND COUNCIL SHALL APPROVE. ANY  
CURTAILMENT OF CIVIL DEFENSE ACTIVITIES CAUSED  
BY A DECREASE IN FEDERAL GRANTS WILL BE  
IMPLEMENTED BY A PROPORTIONATE DECREASE IN ALL  
CLASSES OF EXPENDITURE AS RECOMMENDED BY THE  
CIVIL DEFENSE DIRECTOR AND APPROVED BY THE  
GOVERNOR AND COUNCIL, INCLUDING ANY PERMANENT  
PERSONAL SERVICES FORMERLY COVERED BY FEDERAL  
FUNDS.

02. ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
09 COMMISSIONS  
01 ATHLETIC COMMISSION

20 CURRENT EXPENSES  
50 OTHER PERSONAL SERVICES  
60 BENEFITS  
70 IN-STATE TRAVEL

175 175  
600 600  
35 35  
350 350

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
ATHLETIC COMMISSION  
GENERAL FUND  
TOTAL

1,160 1,160  
1,160 1,160  
1,160 1,160

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
09 COMMISSIONS  
02 PHARMACY COMM

20 CURRENT EXPENSES  
50 OTHER PERSONAL SERVICES  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
PHARMACY COMM  
GENERAL FUND  
TOTAL

2,800  
18,431  
1,078  
3,000  
250  
3,050  
19,214  
1,124  
3,000  
250

25,559 26,638

25,559 26,638  
25,559 26,638

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
09 COMMISSIONS  
03 COMM EMINENT DOMAIN

10 PERMANENT PERSONAL SERVICES  
11 SALARY OF CHAIRMAN  
12 SALARY OF 2 EMM COMM COMM  
13 SALARY OF EMINENT DOMAIN CLERK  
20 CURRENT EXPENSES  
30 EQUIPMENT  
50 OTHER PERSONAL SERVICES  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
90 INDIRECT COST  
91 STENOGRAPHER FEES  
E

8,398  
20,472  
38,581  
12,064  
11,110  
740  
1,600  
12,022  
2,410  
430  
2,437  
5,700  
8,492  
13,714  
37,586  
11,618  
11,770  
784  
1,696  
11,711  
2,457  
430  
2,553  
6,400

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
COMM EMINENT DOMAIN  
02 HIGHWAY  
GENERAL FUND  
TOTAL

115,964 115,211

104,368 103,690  
11,596 11,521  
115,964 115,211

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
COMMISSIONS  
GENERAL FUND  
OTHER FUNDS

142,683 143,009  
38,315 39,319  
104,368 103,690

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 09 COMMISSIONS (CONT.)  
 (CONT.)

## TOTAL

142,683

143,009

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 10 GREYHOUND RACING COMM

10 PERMANENT PERSONAL SERVICES  
 11 SALARY 3 COMMISSIONERS  
 12 SALARY OF DIRECTOR  
 20 CURRENT EXPENSES \*  
 21 LAB USE \*\*  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

42,789  
 11,036  
 15,437  
 14,865  
 12,625  
 87,500  
 200,006  
 22,090  
 14,500  
 750

42,499  
 10,630  
 14,865  
 12,625  
 87,500  
 200,006  
 21,900  
 14,500  
 750

\* \$87,500 FOR FISCAL YEAR 1978 AND \$87,500 FOR FISCAL YEAR 1979 SHALL BE FOR LAB SERVICES PERFORMED BY THE HORSE RACING COMMISSION FOR THE GREYHOUND COMMISSION AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

\*\* SUCH PORTION OF THIS AMOUNT THAT CONSTITUTES THE COMPENSATION OF THE OFFICIAL JUDGE OF THE GREYHOUND RACING COMMISSION, SHALL BE REIMBURSED TO THE STATE BY THE PERSON, ASSOCIATION, OR CORPORATION CONDUCTING THE RACE OR MEET AND SUCH REIMBURSEMENT SHALL INCLUDE THE EMPLOYER'S SHARE OF GAST TAXES. SUCH FUNDS SHALL BE DEPOSITED AS UNRESERVED REVENUE. THE COMMISSION MAY ESTABLISH THE SALARY OF THE OFFICIAL JUDGE, AND ANY ADDITIONAL AMOUNT PAID FOR THIS PURPOSE OVER THE SUM APPROPRIATED FOR THIS IN (OTHER PERSONAL SERVICES) SHALL BE REIMBURSED TO THE STATE BY THE TRACK, INCLUDING GAST, AND THE FUNDS REIMBURSED SHALL BE CREDITED TO THE APPROPRIATION FOR (OTHER PERSONAL SERVICES.) SUCH PORTION OF THIS AMOUNT THAT CONSTITUTES THE COMPENSATION OF GREYHOUND INSPECTORS IS TO BE UTILIZED TO PROVIDE FOR INSPECTION OF GREYHOUNDS ONLY, AND MAY NOT BE UTILIZED TO PROVIDE



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 10 GREYHOUND RACING COMM (CONT.)

FOR ANY GRANDSTAND OR CLUBHOUSE AREA POLICING  
 ACTIVITIES.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 GREYHOUND RACING COMM  
 GENERAL FUND  
 TOTAL

406,105 405,275  
 406,105 405,275  
 406,105 405,275

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 11 ST COORD HIGHWAY SAFETY

10 PERMANENT PERSONAL SERVICES  
 11 SALARY OF COORDINATOR  
 20 CURRENT EXPENSES  
 30 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 PUBLIC INFORMATION  
 91 INDIRECT COSTS  
 E

64,930 62,771  
 22,807 21,995  
 9,000 9,500  
 7,920 8,712  
 13,623 13,225  
 2,900 3,000  
 1,000 1,100  
 1,500 1,500  
 11,120 7,560  
 134,800 129,363

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 ST COORD HIGHWAY SAFETY  
 00 FEDERAL FUNDS  
 02 HIGHWAY  
 TOTAL

67,400 64,682  
 67,400 64,681  
 134,800 129,363

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 12 HORSE RACING COMMISSION  
 01 THOROUGHBRED RACING

10 PERMANENT PERSONAL SERVICES  
 11 SALARIES OF THREE COMMISSIONER  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS

13,074  
 11,038  
 11,835  
 47,709  
 6,408

12,590  
 10,860  
 11,835  
 47,709  
 5,279

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 12 HORSE RACING COMMISSION (CONT.)  
 01 THOROUGHBRED RACING (CONT.)

70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 91 NAPSIS  
 92 ACCOUNTING SERVICES

2,450  
 500  
 5,000  
 4,560

2,450  
 500  
 5,000  
 4,560

\*  
 SUCH PORTION OF THIS AMOUNT THAT CONSTITUTES THE COMPENSATION OF THE OFFICIAL STATE STEWARD OR ASSOCIATE JUDGES OF THE STATE HORSE RACING COMMISSION, SHALL BE REIMBURSED TO THE STATE BY THE PERSON, ASSOCIATION, OR CORPORATION CONDUCTING THE RACE OR MEET AND SUCH REIMBURSEMENT SHALL INCLUDE THE EMPLOYER'S SHARE OF OASI TAXES. SUCH FUNDS SHALL BE DEPOSITED AS UNRESTRICTED REVENUE. THE COMMISSION MAY ESTABLISH THE SALARIES OF THE STATE STEWARD AND ASSOCIATE JUDGES, AND ANY ADDITIONAL AMOUNTS PAID FOR THIS PURPOSE OVER THE SUMS APPROPRIATED FOR THIS IN (OTHER PERSONAL SERVICES) SHALL BE REIMBURSED TO THE STATE BY THE TRACK, INCLUDING OASI, AND THE FUNDS REIMBURSED SHALL BE CREDITED TO THE APPROPRIATION FOR (OTHER PERSONAL SERVICES).

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 THOROUGHBRED RACING  
 GENERAL FUND  
 TOTAL

102,574  
 102,574  
 102,574

101,883  
 101,883  
 101,883

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 12 HORSE RACING COMMISSION  
 02 HARNESS RACING

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 92 COMMISSION CALCULATOR

48,895  
 4,900  
 300  
 127,008  
 14,764  
 7,300  
 750  
 13,800

47,430  
 4,900  
 127,008  
 14,565  
 7,300  
 750  
 13,800

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 12 HORSE RACING COMMISSION (CONT.)  
 02 HARNESS RACING (CONT.)

SUCH PORTION OF THIS AMOUNT THAT CONSTITUTES THE COMPENSATION OF THE OFFICIAL STATE STEWARD OR ASSOCIATE JUDGES OF THE STATE HORSE RACING COMMISSION, SHALL BE REIMBURSED TO THE STATE BY THE PERSON, ASSOCIATION, OR CORPORATION CONDUCTING THE RACE OR MEET AND SUCH REIMBURSEMENT SHALL INCLUDE THE EMPLOYER'S SHARE OF OASI TAXES. SUCH FUNDS SHALL BE DEPOSITED AS UNRESTRICTED REVENUE. THE COMMISSION MAY ESTABLISH THE SALARIES OF THE STATE STEWARD AND ASSOCIATE JUDGES, AND ANY ADDITIONAL AMOUNTS PAID FOR THIS PURPOSE OVER THE SUMS APPROPRIATED FOR THIS IN (OTHER PERSONAL SERVICES) SHALL BE REIMBURSED TO THE STATE BY THE TRACK, INCLUDING OASI, AND THE FUNDS REIMBURSED SHALL BE CREDITED TO THE APPROPRIATION FOR (OTHER PERSONAL SERVICES).

TOTAL	217,717	215,739
ESTIMATED SOURCE OF FUNDS FOR		
HARNESS RACING	217,717	215,739
GENERAL FUND	217,717	215,739
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 12 HORSE RACING COMMISSION  
 03 RACING LABORATORY

10 PERMANENT PERSONAL SERVICES	79,592	78,052
20 CURRENT EXPENSES	39,017	40,158
30 EQUIPMENT	13,050	1,200
50 OTHER PERSONAL SERVICES	26,800	27,200
60 BENEFITS	13,507	13,299
70 IN-STATE TRAVEL	200	200
80 OUT-OF-STATE TRAVEL	375	375

TOTAL	172,541	160,484
ESTIMATED SOURCE OF FUNDS FOR		
RACING LABORATORY	87,500	87,500
01 TRANSFER FROM GREYHOUND RACING	85,041	72,984
GENERAL FUND	172,541	160,484
TOTAL		

TOTAL	492,832	478,106
ESTIMATED SOURCE OF FUNDS FOR		
HORSE RACING COMMISSION		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 12 HORSE RACING COMMISSION (CONT.)  
 (CONT.)

GENERAL FUND	405,332	390,606
OTHER FUNDS	87,500	87,500
TOTAL	492,832	478,106

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 13 HUMAN RIGHTS COMMISSION

10 PERMANENT PERSONAL SERVICES	7,889	8,275
11 EXECUTIVE DIRECTOR	13,000	13,400
20 CURRENT EXPENSES	3,532	3,607
30 EQUIPMENT	250	0
50 OTHER PERSONAL SERVICES	18,500	18,500
60 BENEFITS	4,215	4,333
70 IN-STATE TRAVEL	1,585	1,640
80 OUT-OF-STATE TRAVEL	200	200
90 INDIRECT COSTS	1,881	1,919
TOTAL	51,052	51,874

ESTIMATED SOURCE OF FUNDS FOR  
 HUMAN RIGHTS COMMISSION  
 00 FEDERAL FUNDS  
 GENERAL FUND  
 TOTAL

24,000	25,950
27,052	25,924
51,052	51,874

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 14 INSURANCE DEPARTMENT  
 01 ADMINISTRATION

10 PERMANENT PERSONAL SERVICES  
 11 SALARY OF COMMISSIONER  
 12 SALARY OF DEPUTY COMMISSIONER  
 13 SALARY OF RESEARCH ASSISTANT  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 95 COMPUTER IMPLEMENTATION

266,863	231,566
25,959	25,960
28,440	25,460
19,379	14,810
53,459	55,875
1,825	2,025
3,200	3,200
50,533	49,357
750	775
3,000	3,000
11,935	11,860

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 ADMINISTRATION

460,343	453,888
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02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 14 INSURANCE DEPARTMENT (CONT.)  
 01 ADMINISTRATION (CONT.)

GENERAL FUND					
TOTAL					453,888
					453,888
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
14 INSURANCE DEPARTMENT					
02 EXAMINATION DIVISION					
20 CURRENT EXPENSES	14,000				14,241
30 EQUIPMENT	400				500
59 FULL TIME TEMPORARY	183,164				193,448
60 BENEFITS	27,475				23,017
70 IN-STATE TRAVEL	30,000				31,800
80 OUT-OF-STATE TRAVEL	19,500				24,570
01 INDIRECT COSTS	37,157				40,660
TOTAL	311,696				330,336
ESTIMATED SOURCE OF FUNDS FOR					
EXAMINATION DIVISION					
09 AGENCY INCOME	311,696				330,336
TOTAL	311,696				330,336
TOTAL	772,039				784,224
ESTIMATED SOURCE OF FUNDS FOR					
INSURANCE DEPARTMENT					
GENERAL FUND	460,343				453,888
OTHER FUNDS	311,636				330,336
TOTAL	772,039				784,224

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

15 DEPARTMENT OF LABOR

01 DEPT OF LABOR ADM & SUPPORT

10 PERMANENT PERSONAL SERVICES					
11 SALARY OF COMMISSIONER	27,318				26,544
12 SALARY OF DEPUTY COMMISSIONER	19,820				19,080
20 CURRENT EXPENSES	14,549				14,011
50 OTHER PERSONAL SERVICES	13,419				13,419
60 BENEFITS	413				413
70 IN-STATE TRAVEL	9,277				8,985
80 OUT-OF-STATE TRAVEL	700				700
90 RENTAL OF BLDG	46,129				48,302
TOTAL	132,025				132,556

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 15 DEPARTMENT OF LABOR (CONT.)  
 01 DEPT OF LABOR ADM & SUPPRT (CONT.)

ESTIMATED SOURCE OF FUNDS FOR		
DEPT OF LABOR ADM & SUPPRT	132,025	132,556
GENERAL FUND	132,025	132,556
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 15 DEPARTMENT OF LABOR  
 02 INSPECTION DIVISION

10 PERMANENT PERSONAL SERVICES		
20 CURRENT EXPENSES	119,258	115,462
30 EQUIPMENT	3,200	3,300
60 BENEFITS	4,010	3,810
70 IN-STATE TRAVEL	17,889	17,469
80 OUT-OF-STATE TRAVEL	5,500	5,300
	100	100
TOTAL	149,957	146,641
ESTIMATED SOURCE OF FUNDS FOR		
INSPECTION DIVISION	149,957	146,641
GENERAL FUND	149,957	146,641
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 15 DEPARTMENT OF LABOR  
 03 LABOR STATISTICS

10 PERMANENT PERSONAL SERVICES		
20 CURRENT EXPENSES	19,093	18,620
60 BENEFITS	2,400	2,500
70 IN-STATE TRAVEL	2,864	2,793
80 OUT-OF-STATE TRAVEL	100	100
90 INDIRECT COSTS	100	100
91 OUTSIDE COMPUTER SERVICES	15,230	15,395
95 COMPUTER SERVICES	6,000	6,000
	37,684	37,604
TOTAL	84,451	83,712
ESTIMATED SOURCE OF FUNDS FOR		
LABOR STATISTICS	84,451	83,712
00 FEDERAL FUNDS	26,457	26,087
GENERAL FUND	57,994	57,625
TOTAL	84,451	83,712

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 15 DEPARTMENT OF LABOR  
 04 WORKMENS COMPENSATION

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 OTHER EXPENDITURES

86,772  
 5,700  
 385  
 800  
 13,063  
 200  
 75  
 250

84,363  
 5,800  
 300  
 800  
 12,731  
 200  
 75  
 250

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 WORKMENS COMPENSATION  
 GENERAL FUND  
 TOTAL

107,245

104,719

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 15 DEPARTMENT OF LABOR  
 05 WORKMENS COMP COMMISSION

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 59 FULL TIME TEMPORARY  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 90 PER DIEM

12,666  
 1,007  
 200  
 6,376  
 2,856  
 848  
 2,806

12,530  
 1,057  
 225  
 5,513  
 2,872  
 899  
 2,974

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 WORKMENS COMP COMMISSION  
 GENERAL FUND  
 TOTAL

26,759

27,180

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 DEPARTMENT OF LABOR  
 FEDERAL FUNDS  
 GENERAL FUND  
 TOTAL

500,437

494,808

26,457  
 473,980  
 500,437

26,087  
 468,721  
 494,808

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 15 LIQUOR COMMISSION  
 01 REVENUE COLLECTION

10 PERMANENT PERSONAL SERVICES  
 11 SALARIES OF THREE COMMISSIONER  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 59 FULL TIME TEMPORARY  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 91 PUBLIC WKS PROJECTS  
 92 POLICE PROTECTION  
 93 ADVERTISING  
 94 MISC DATA PROCESSING EXPENSE  
 95 DATA PROCESSING RENT  
 96 COMMUNICATIONS EQUIP RENTAL  
 98 CONTINGENCY FUND

4,076,231  
 80,332  
 1,916,500  
 200,000  
 635,000  
 27,409  
 664,744  
 21,000  
 2,000  
 28,000  
 19,000  
 60,000  
 4,200  
 129,000  
 53,100  
 25,000

3,970,581  
 177,357  
 1,933,321  
 205,000  
 635,000  
 29,778  
 649,671  
 21,000  
 2,000  
 25,000  
 19,000  
 60,000  
 3,000  
 148,000  
 53,100

\* EXPENDITURES FROM THIS ACCOUNT MAY BE MADE ONLY  
 WITH APPROVAL OF GOVERNOR AND COUNCIL.  
 THIS APPROPRIATION SHALL NOT LAPSE  
 UNTIL JUNE 30, 1979.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 REVENUE COLLECTION  
 09 SHEEPSTAKES SALES  
 GENERAL FUND  
 TOTAL

7,941,516  
 125,000  
 7,816,516  
 7,941,516

7,831,908  
 150,000  
 7,681,908  
 7,831,908

THE LIQUOR COMMISSION SHALL CONTINUE A FOUR MAN  
 STORE IN DOWNTOWN DOVER WHICH SHALL BE IN  
 ADDITION TO CONTINUING THE DOVER STORE  
 NUMBER 65.



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 16 LIQUOR COMMISSION  
 02 REGULATION

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 SPECIAL INVESTIGATIVE WORK

327,285  
 21,000  
 10,500  
 500  
 49,122  
 25,000  
 150  
 500

317,984  
 21,000  
 8,240  
 500  
 47,727  
 25,000  
 200  
 500

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 REGULATION  
 GENERAL FUND  
 TOTAL

434,057  
 434,057  
 434,057

421,151

421,151  
 421,151

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 LIQUOR COMMISSION  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

8,375,573  
 8,250,573  
 125,000  
 8,375,573

8,253,059  
 8,103,059  
 150,000  
 8,253,059

WORKING HOURS OF INDIVIDUAL STORE EMPLOYEES  
 SHALL BE SO ASSIGNED AS TO MOST EFFECTIVELY,  
 EFFICIENTLY AND ECONOMICALLY PROVIDE FOR  
 ADEQUATE CUSTOMER SERVICE REQUIREMENTS IN EACH  
 STORE WITHIN THE LIMITS OF FUNDS APPROPRIATED  
 HEREIN, PROVIDED HOWEVER THAT THESE PROVISIONS  
 SHALL NOT PERMIT SALES ON SUNDAYS OR ON  
 HOLIDAYS THAT ARE PROHIBITED BY STATUTE WITH  
 THE EXCEPTION OF THE STATE OWNED HOOKSETT  
 STORES WHICH SHALL BE OPERATED SEVEN DAYS A  
 WEEK.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 17 BOARD OF PROBATION  
 01 BOARD OF PROBATION

10 PERMANENT PERSONNEL SERVICES  
 11 SALARY OF DIRECTOR  
 20 CURRENT EXPENSES  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

693,800  
 19,369  
 32,000  
 4,000  
 107,209  
 22,000  
 300

674,473  
 18,652  
 32,500  
 4,200  
 104,215  
 22,500  
 350

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 BOARD OF PROBATION  
 GENERAL FUND  
 TOTAL

878,678

856,890

878,678  
 878,678

856,890  
 856,890

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 17 BOARD OF PROBATION  
 02 CRIME COMMISSION GRANT

90 PSYCHOLOGISTS GRAFTON AND HILL  
 91 INDIRECT COSTS  
 92 STAFF MANUAL  
 93 TWO PROB OFFICERS AND TWO CLK  
 94 LIBRARY  
 95 PLACEMENT AND GUIDANCE OFFICER

31,074  
 15,422  
 20,000  
 46,882  
 7,500

31,875  
 14,985  
 47,520  
 15,764

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 CRIME COMMISSION GRANT  
 04 CRIME COMMISSION FUNDS  
 TOTAL

120,878

110,144

120,878  
 120,878

110,144  
 110,144

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 17 BOARD OF PROBATION  
 03 DOMESTIC RELATIONS AND COLLECTIONS

10 PERMANENT PERSONNEL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 59 FULL TIME TEMPORARY  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 90 COMPUTER SERVICE

158,502  
 64,054  
 2,310  
 75,459  
 35,094  
 6,000  
 24,142

162,549  
 82,798  
 680  
 79,113  
 36,249  
 6,000  
 24,142

TOTAL

365,561

394,531

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 17 BOARD OF PROBATION (CONT.)  
 03 DOMESTIC RELATIONS AND COLLECTIONS (CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
 DOMESTIC RELATIONS AND COLLECTIONS

01 OTHER AGENCY FUNDS	182,781	197,266
GENERAL FUND	182,780	197,265
TOTAL	365,561	394,531

TOTAL	1,365,117	1,361,565
ESTIMATED SOURCE OF FUNDS FOR		
BOARD OF PROBATION		
GENERAL FUND	1,061,458	1,054,155
OTHER FUNDS	303,659	307,410
TOTAL	1,365,117	1,361,565

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

18 PUBLIC UTILITIES COMMISSION  
 01 ADMINISTRATION AND SUPPORT

10 PERMANENT PERSONAL SERVICES

11 SALARIES OF THREE COMMISSIONER	312,984	306,453
12 GENERAL COUNSEL	60,007	57,818
20 CURRENT EXPENSES	19,453	20,255
30 EQUIPMENT	55,770	58,660
50 OTHER PERSONAL SERVICES	6,845	1,420
60 BENEFITS	4,125	4,363
70 IN-STATE TRAVEL	59,108	57,934
80 OUT-OF-STATE TRAVEL	4,641	4,870
92 COURT REPORTERS FEES	4,950	5,250
93 INDIRECT COSTS	1,060	1,124
E	10,313	10,805

TOTAL	539,156	528,952
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ESTIMATED SOURCE OF FUNDS FOR

ADMINISTRATION AND SUPPORT		
09 UTILITY ASSESSMENT TAX	539,156	528,952

\*  
 OTHER PROVISIONS OF THE LAW NOTWITHSTANDING,  
 TOTAL EXPENDITURES OF ADMINISTRATION AND  
 SUPPORT DIVISION SHALL BE ASSESSED AGAINST THE  
 UTILITIES.

TOTAL	539,156	528,952
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02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 18 PUBLIC UTILITIES COMMISSION  
 02 COMMON CARRIERS

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

82,186  
 19,700  
 5,000  
 1,653  
 12,425  
 2,475  
 150

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 COMMON CARRIERS  
 GENERAL FUND  
 TOTAL

123,589  
 121,715  
 123,589  
 121,715  
 123,589  
 121,715

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 18 PUBLIC UTILITIES COMMISSION  
 03 GAS PIPELINE CARRIERS

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 93 INDIRECT COSTS

21,235  
 2,168  
 245  
 3,185  
 1,091  
 673  
 700

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 GAS PIPELINE CARRIERS  
 00 FEDERAL FUNDS  
 09 GAS ASSESSMENT TAX  
 TOTAL

21,175  
 2,298  
 390  
 3,176  
 1,156  
 713  
 732  
 29,297  
 29,640  
 7,410  
 21,973  
 22,230  
 29,640

E



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 19 PUBLIC UTILITIES COMMISSION  
 04 RAILROAD DIVISION

20 CURRENT EXPENSES			
30 EQUIPMENT	3,931		4,167
50 OTHER PERSONAL SERVICES	750		
60 BENEFITS	69,520		57,157
70 IN-STATE TRAVEL	4,067		3,929
80 OUT-OF-STATE TRAVEL	2,200		2,600
91 LEGAL FEES	4,500		4,800
93 INDIRECT COSTS	30,000		30,000
	1,942		2,034
TOTAL		116,910	114,697
ESTIMATED SOURCE OF FUNDS FOR			
RAILROAD DIVISION			
00 FEDERAL FUNDS			
GENERAL FUND	105,219		91,758
TOTAL	11,691		22,939
	116,910		114,697
TOTAL		808,952	795,004
ESTIMATED SOURCE OF FUNDS FOR			
PUBLIC UTILITIES COMMISSION			
FEDERAL FUNDS	112,543		99,158
GENERAL FUND	135,280		144,684
OTHER FUNDS	561,129		551,182
TOTAL	808,952		795,004

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 19 REAL ESTATE COMM

10 PERMANENT PERSONAL SERVICES			
11 SALARY OF DIRECTOR	42,116		41,269
20 CURRENT EXPENSES	13,175		12,687
30 EQUIPMENT	17,704		17,704
50 OTHER PERSONAL SERVICES	400		280
60 BENEFITS	2,600		2,800
70 IN-STATE TRAVEL	8,445		8,257
80 OUT-OF-STATE TRAVEL	1,575		1,575
90 TESTING SERVICES	475		475
91 TRANSFER TO GDP - R.E. ROSTER	26,250		26,250
	2,500		2,500
TOTAL		115,240	113,797
ESTIMATED SOURCE OF FUNDS FOR			
REAL ESTATE COMM			
09 OTHER TESTING REVENUE	26,250		26,250
GENERAL FUND	88,990		87,547

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
19 REAL ESTATE COMM (CONT.)

## TOTAL

115,240

113,797

OTHER PROVISIONS OF LAW NOTWITHSTANDING THE REAL ESTATE COMMISSION SHALL CHARGE FOR THE COMMISSION'S PUBLISHED DIRECTORY OF LICENSED BROKERS AND SALESMEN. THE AMOUNT CHARGED SHALL BE SUFFICIENT TO RECOVER THE ACTUAL COSTS INCURRED IN PREPARING AND PUBLISHING SAID DIRECTORY.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
20 DEPARTMENT OF SAFETY  
01 ADMINISTRATION AND SUPPORT  
01 OFF OF COMM

10 PERMANENT PERSONAL SERVICES	20,576	19,835
11 SALARY OF COMMISSIONER	26,496	25,477
13 SALARY OF DEPUTY COMMISSIONER	21,853	21,344
20 CURRENT EXPENSES	6,500	7,000
25 OPERATION OF SAFETY BUILDING	10,177	10,177
30 EQUIPMENT		5,480
60 BENEFITS	10,332	9,954
70 IN-STATE TRAVEL	3,940	4,133
80 OUT-OF-STATE TRAVEL	455	485

103,585

100,289

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
OFF OF COMM  
02 PUBLIC WORKS & HIGHWAY  
GENERAL FUND  
TOTAL

95,275  
5,014  
100,289

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
20 DEPARTMENT OF SAFETY  
01 ADMINISTRATION AND SUPPORT  
02 DEPT OF SAFETY BUSINESS OFF

10 PERMANENT PERSONAL SERVICES	163,942	159,725
12 ASSISTANT COMMISSIONER	19,429	18,710
20 CURRENT EXPENSES	4,875	4,825
25 OPERATION OF SAFETY BUILDING	10,862	10,862
30 EQUIPMENT	1,115	6,377
50 OTHER PERSONAL SERVICES	100	100

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 01 ADMINISTRATION AND SUPPORT (CONT.)  
 02 DEPT OF SAFETY BUSINESS OFF (CONT.)

60 BENEFITS	27,512	26,772
70 IN-STATE TRAVEL	3,650	3,650
TOTAL	231,485	231,021
ESTIMATED SOURCE OF FUNDS FOR		
DEPT OF SAFETY BUSINESS OFF	219,911	219,470
02 PUBLIC WORKS & HIGHWAY	11,574	11,551
GENERAL FUND	231,485	231,021
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 01 ADMINISTRATION AND SUPPORT  
 03 EQUIPMENT CONTROL

10 PERMANENT PERSONAL SERVICES	41,211	39,744
20 CURRENT EXPENSES	600	650
25 OPERATION OF SAFETY BUILDING	7,266	7,266
30 EQUIPMENT	400	
60 BENEFITS	6,182	5,962
70 IN-STATE TRAVEL	50	50
TOTAL	55,709	53,672
ESTIMATED SOURCE OF FUNDS FOR		
EQUIPMENT CONTROL	52,924	50,988
02 PUBLIC WORKS & HIGHWAY	2,785	2,684
GENERAL FUND	55,709	53,672
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 01 ADMINISTRATION AND SUPPORT  
 04 DATA PROCESSING UNIT

10 PERMANENT PERSONAL SERVICES	167,434	164,268
20 CURRENT EXPENSES	256,500	187,000
25 OPERATION OF SAFETY BUILDING	18,441	18,459
30 EQUIPMENT	10,650	20,680
50 OTHER PERSONAL SERVICES	24,500	23,750
59 FULL TIME TEMPORARY	101,329	99,532
60 BENEFITS	41,747	40,959
70 IN-STATE TRAVEL	86	90
80 OUT-OF-STATE TRAVEL	50	50
91 ACCIDENT & VIOLATION PROGRAM	106,900	110,107
92 N.V. REGISTRATIONS	163,471	168,325
93 ANALYST & PROGRAMING MAINT.	20,000	20,000

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 01 ADMINISTRATION AND SUPPORT (CONT.)  
 04 DATA PROCESSING UNIT (CONT.)

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 DATA PROCESSING UNIT  
 02 PUBLIC WORKS & HIGHWAY  
 TOTAL

911,108 853,220  
 911,108 853,220  
 911,108 853,220

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 ADMINISTRATION AND SUPPORT  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

1,298,591 1,241,498  
 19,373 19,414  
 1,279,218 1,222,084  
 1,298,591 1,241,498

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 02 OFF-HIGHWAY VEHICLE SAFETY

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 25 OPERATION OF SAFETY BUILDING  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 59 FULL TIME TEMPORARY  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 90 OHRV PAYMENT - F & G  
 91 OHRV PAYMENT - DRED

16,308 15,741  
 28,110 27,941  
 292 292  
 400 680  
 9,083 8,885  
 5,893 5,893  
 3,861 3,765  
 3,600 3,800  
 180,000 180,000  
 202,500 202,500

\*

IF THE ACTUAL REVENUE FROM OFF-HIGHWAY RECREATION VEHICLE FEES IS LESS THAN ESTIMATED, THE APPROPRIATION IN THE NEXT ENSUING FISCAL YEAR, FOR THIS SECTION, SHALL BE REDUCED BY THE PROPORTIONATE AMOUNT OF SAID REVENUE SHORTFALL BETWEEN THE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT AND THE FISH AND GAME DEPARTMENT, BASED UPON THE TOTAL APPROPRIATION MADE IN EACH DEPARTMENT FOR OFF-HIGHWAY RECREATION VEHICLE PROGRAM ACTIVITIES. OTHER PROVISIONS OF LAW NOTWITHSTANDING ANY FUNDS REMAINING IN THIS APPROPRIATION AT THE CLOSE OF THE FISCAL YEAR SHALL NOT LAPSE BUT SHALL BE



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 02 OFF HIGHWAY VEHICLE SAFETY (CONT.)

CARRIED OVER TO THE FOLLOWING FISCAL YEAR AND  
 BE AVAILABLE FOR EXPENDITURE WITH THE APPROVAL  
 OF THE GOVERNOR AND COUNCIL.

\*

TOTAL	449,497	449,497
ESTIMATED SOURCE OF FUNDS FOR		
OFF HIGHWAY VEHICLE SAFETY		
09 OHV REGISTRATIONS	450,047	449,497
TOTAL	450,047	449,497

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

20 DEPARTMENT OF SAFETY  
 03 DIVISION OF MOTOR VEHICLE  
 01 MOTOR VEHICLE AND DRIVER SAFETY  
 01 DRIVER LICENSING

10 PERMANENT PERSONAL SERVICES	405,128	394,353
11 SALARY ASSISTANT DIR MTR VEN	18,174	17,500
20 CURRENT EXPENSES	155,000	155,000
25 OPERATION OF SAFETY BUILDING	15,014	15,071
30 EQUIPMENT	20,360	16,731
50 OTHER PERSONAL SERVICES	4,774	4,804
60 BENEFITS	63,774	62,059
70 IN-STATE TRAVEL	24,500	25,000
60 OUT-OF-STATE TRAVEL	25	25

TOTAL	706,749	630,543
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ESTIMATED SOURCE OF FUNDS FOR  
 DRIVER LICENSING  
 02 HIGHWAY  
 TOTAL

	706,749	630,543
	706,749	630,543

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

20 DEPARTMENT OF SAFETY  
 03 DIVISION OF MOTOR VEHICLE  
 01 MOTOR VEHICLE AND DRIVER SAFETY  
 02 MOTOR VEHICLE REGISTRATION

10 PERMANENT PERSONAL SERVICES	218,124	211,769
20 CURRENT EXPENSES	65,419	63,344
21 DECALS, POSTAGE AND ENVELOPES	160,000	165,000
25 OPERATION OF SAFETY BUILDING	33,680	33,680
30 EQUIPMENT	5,690	1,680
50 OTHER PERSONAL SERVICES	42,500	44,000
59 FULL TIME TEMPORARY	135,235	133,440
60 BENEFITS	55,490	54,355

A

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 03 DIVISION OF MOTOR VEHICLE (CONT.)  
 01 MOTOR VEHICLE AND DRIVER SAFETY (CONT.)  
 02 MOTOR VEHICLE REGISTRATION (CONT.)

70 IN-STATE TRAVEL	750		750
80 OUT-OF-STATE TRAVEL			100

TOTAL		716,888	714,118
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ESTIMATED SOURCE OF FUNDS FOR  
 MOTOR VEHICLE REGISTRATION  
 02 PUBLIC WORKS & HIGHWAY  
 TOTAL

	716,888	714,118
	716,888	714,118

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 03 DIVISION OF MOTOR VEHICLE  
 01 MOTOR VEHICLE AND DRIVER SAFETY  
 03 MOTOR VEHICLE INSPECTION

10 PERMANENT PERSONAL SERVICES	18,861		18,207
20 CURRENT EXPENSES	30,303		32,286
25 OPERATION OF SAFETY BUILDING	1,461		1,461
30 EQUIPMENT	2,330		690
50 OTHER PERSONAL SERVICES	600		600
60 BENEFITS	2,864		2,766
70 IN-STATE TRAVEL	2,500		2,700
80 OUT-OF-STATE TRAVEL	250		250

TOTAL	59,169	58,950
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ESTIMATED SOURCE OF FUNDS FOR  
 MOTOR VEHICLE INSPECTION  
 02 PUBLIC WORKS & HIGHWAY  
 TOTAL

	59,169	58,950
	59,169	58,950

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 03 DIVISION OF MOTOR VEHICLE  
 01 MOTOR VEHICLE AND DRIVER SAFETY  
 04 CERTIFICATE OF TITLE

10 PERMANENT PERSONAL SERVICES	243,215		230,810
20 CURRENT EXPENSES	50,000		52,000
25 OPERATION OF SAFETY BUILDING	17,486		17,486
30 EQUIPMENT	17,510		4,890
50 OTHER PERSONAL SERVICES	3,947		3,838
60 BENEFITS	36,713		35,747
70 IN-STATE TRAVEL	3,500		3,600
80 OUT-OF-STATE TRAVEL	60		70

TOTAL	372,431	354,441
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ESTIMATED SOURCE OF FUNDS FOR  
 CERTIFICATE OF TITLE

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)			
20 DEPARTMENT OF SAFETY (CONT.)			
03 DIVISION OF MOTOR VEHICLE (CONT.)			
01 MOTOR VEHICLE AND DRIVER SAFETY (CONT.)			
04 CERTIFICATE OF TITLE (CONT.)			
02 PUBLIC WORKS & HIGHWAY	372,431	354,441	
TOTAL	372,431	354,441	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION			
20 DEPARTMENT OF SAFETY			
03 DIVISION OF MOTOR VEHICLE			
01 MOTOR VEHICLE AND DRIVER SAFETY			
05 FINANCIAL RESPONSIBILITY			
10 PERMANENT PERSONAL SERVICES	289,160	281,068	
20 CURRENT EXPENSES	33,500	35,500	
25 OPERATION OF SAFETY BUILDING	23,569	23,569	
30 EQUIPMENT	2,930	1,400	
50 OTHER PERSONAL SERVICES	4,650	4,350	
60 BENEFITS	43,646	42,414	
70 IN-STATE TRAVEL	500	550	
80 OUT-OF-STATE TRAVEL	50	50	
TOTAL	398,005	388,901	
ESTIMATED SOURCE OF FUNDS FOR			
FINANCIAL RESPONSIBILITY			
02 PUBLIC WORKS & HIGHWAY	398,005	388,901	
TOTAL	398,005	388,901	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION			
20 DEPARTMENT OF SAFETY			
03 DIVISION OF MOTOR VEHICLE			
01 MOTOR VEHICLE AND DRIVER SAFETY			
06 ADMINISTRATION DIV MFR VEH			
10 PERMANENT PERSONAL SERVICES	40,644	39,943	
11 SALARY OF DIRECTOR	20,783	20,014	
20 CURRENT EXPENSES	4,000	4,200	
25 OPERATION OF SAFETY BUILDING	3,927	3,927	
30 EQUIPMENT	650	4,750	
50 OTHER PERSONAL SERVICES		130	
60 BENEFITS	9,214	9,001	
70 IN-STATE TRAVEL	1,600	1,600	
80 OUT-OF-STATE TRAVEL	250	250	
90 MV OP BUDGET CONTINENT FD	25,000	25,000	

\* WITHIN THIS APPROPRIATION IS INCLUDED \$4,120 TO PURCHASE AN INTERMEDIATE AUTOMOBILE IN FISCAL 1979.

\*\*

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 03 DIVISION OF MOTOR VEHICLE (CONT.)  
 01 MOTOR VEHICLE AND DRIVER SAFETY (CONT.)  
 06 ADMINISTRATION DIV MTR VEH (CONT.)

TRANSFERS FROM THIS FUND FOR EMERGENCY PURPOSES ONLY ARE SUBJECT TO PRIOR APPROVAL BY THE GOVERNOR AND COUNCIL AND MAY BE MADE TO ALL DIVISIONS WITHIN THE DEPARTMENT OF SAFETY, PROVIDING THAT OTHER MATCHING REQUIREMENTS, IF ANY, ARE MET.

TOTAL	106,068	108,815
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATION DIV MTR VEH	106,068	108,815
02 PUBLIC WORKS & HIGHWAY	106,068	108,815
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 03 DIVISION OF MOTOR VEHICLE  
 01 MOTOR VEHICLE AND DRIVER SAFETY  
 07 FINANCIAL RESPONSIBILITY - COURT FINES+PENALTIES

10 PERMANENT PERSONNEL SERVICES	24,682	23,889
20 CURRENT EXPENSES	1,000	1,000
50 OTHER PERSONNEL SERVICES	750	750
60 BENEFITS	3,746	3,627
70 IN-STATE TRAVEL	1,000	1,000
TOTAL	31,178	30,266

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 FINANCIAL RESPONSIBILITY - COURT FINES+PENALTIES  
 GENERAL FUND  
 TOTAL

31,178	30,266
31,178	30,266
31,178	30,266

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 03 DIVISION OF MOTOR VEHICLE  
 02 ROAD TOLL SECTION

10 PERMANENT PERSONAL SERVICES	172,223	169,604
20 CURRENT EXPENSES	11,000	11,000
25 OPERATION OF SAFETY BUILDING	10,015	10,065
30 EQUIPMENT	2,430	8,920
50 OTHER PERSONAL SERVICES	825	825
60 BENEFITS	25,881	25,488
70 IN-STATE TRAVEL	6,900	7,150
80 OUT-OF-STATE TRAVEL	7,500	8,000
90 PROFESSIONAL FEES-AUDITS	35,000	
TOTAL	271,774	241,052

271,774

241,052



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 03 DIVISION OF MOTOR VEHICLE (CONT.)  
 02 ROAD TOLL SECTION

ESTIMATED SOURCE OF FUNDS FOR  
 ROAD TOLL SECTION  
 02 PUBLIC WORKS & HIGHWAY  
 TOTAL

241,052  
 241,052

271,774  
 271,774

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 03 DIVISION OF MOTOR VEHICLE  
 03 DRIVER & SAFETY EDUCATION

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 25 OPERATION OF SAFETY BUILDING  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 59 FULL TIME TEMPORARY  
 60 BENEFITS  
 69  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 DRIVERS ASSISTANCE  
 91 TRANSFER TO EDUCATION

44,657  
 24,000  
 1,973  
 1,500  
 4,000  
 19,646  
 9,850  
 1,149  
 1,041  
 200  
 500,000  
 41,521

43,159  
 24,500  
 1,973  
 7,800  
 4,000  
 18,919  
 9,546  
 1,107  
 1,103  
 200  
 500,000  
 45,275

\*  
 IF AVAILABLE, SUCH ADDITIONAL FUNDS, AS ARE  
 NECESSARY TO MAINTAIN A LEVEL OF \$50 PER  
 STUDENT, MAY BE TRANSFERRED FROM THE INITIAL  
 PLATE FUND. ANY FUNDS SO TRANSFERRED SHALL NOT  
 BE TRANSFERRED FURTHER OR EXPENDED FOR ANY  
 OTHER PURPOSE.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 DRIVER & SAFETY EDUCATION  
 09 INITIAL PLATE FUND  
 TOTAL

649,337

657,582

649,337  
 649,337

657,582  
 657,582

SEPARATE ACCOUNTABILITY SHALL BE MAINTAINED FOR  
 ALL COSTS APPLICABLE TO DRIVER AND SAFETY  
 EDUCATION. THE FUNDS IN THIS APPROPRIATION  
 SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY  
 OTHER PURPOSE. OTHER PROVISIONS OF LAW  
 NOTWITHSTANDING, THE BALANCE IN THE INITIAL

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 03 DIVISION OF MOTOR VEHICLE (CONT.)  
 03 DRIVER & SAFETY EDUCATION (CONT.)

PLATE FUND SHALL NOT LAPSE.

TOTAL	3,311,599	3,244,668
ESTIMATED SOURCE OF FUNDS FOR		
DIVISION OF MOTOR VEHICLE		
GENERAL FUND	31,178	30,266
OTHER FUNDS	3,280,421	3,214,402
TOTAL	3,311,599	3,244,668

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 04 DIVISION OF SAFETY SERVICES  
 01 DIV SAFETY SERV WATERCRAFT SAF

10 PERMANENT PERSONAL SERVICES	61,575	59,533
11 SALARY OF DIRECTOR	17,046	16,416
20 CURRENT EXPENSES	49,000	50,000
25 OPERATION OF SAFETY BUILDING	4,742	4,742
30 EQUIPMENT	22,405	12,350
50 OTHER PERSONAL SERVICES	64,304	64,354
59 FULL TIME TEMPORARY	18,152	17,964
60 BENEFITS	18,279	17,952
70 IN-STATE TRAVEL	11,500	11,750
80 OUT-OF-STATE TRAVEL	50	60
90 SAFETY INSPECTOR BOAT RENTALS	25,000	25,000

TOTAL 292,075 290,021

ESTIMATED SOURCE OF FUNDS FOR 292,075 290,021  
 DIV SAFETY SERV WATERCRAFT SAF 292,075 290,021  
 GENERAL FUND  
 TOTAL

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 04 DIVISION OF SAFETY SERVICES  
 02 PROGRAM ON FIRE SAFETY

10 PERMANENT PERSONAL SERVICES	85,474	83,550
11 SALARY OF FIRE MARSHALL	16,603	15,969
20 CURRENT EXPENSES	6,900	6,900
25 OPERATION OF SAFETY BUILDING	6,100	6,100
30 EQUIPMENT	9,650	14,910
59 FULL TIME TEMPORARY	12,817	13,496
60 BENEFITS	17,234	16,955

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 04 DIVISION OF SAFETY SERVICES (CONT.)  
 02 PROGRAM ON FIRE SAFETY (CONT.)

70 IN-STATE TRAVEL 9,500  
 80 OUT-OF-STATE TRAVEL 150

TOTAL 164,428 167,550

ESTIMATED SOURCE OF FUNDS FOR  
 PROGRAM ON FIRE SAFETY  
 GENERAL FUND

167,550  
 167,550

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

20 DEPARTMENT OF SAFETY  
 04 DIVISION OF SAFETY SERVICES  
 03 AERIAL LIFT SAFETY

10 PERMANENT PERSONAL SERVICES 11,718  
 20 CURRENT EXPENSES 927  
 25 OPERATION OF SAFETY BUILDING 1,770  
 30 EQUIPMENT 250  
 50 OTHER PERSONAL SERVICES 900  
 60 BENEFITS 1,864  
 70 IN-STATE TRAVEL 1,400

TOTAL 19,052 22,389

ESTIMATED SOURCE OF FUNDS FOR  
 AERIAL LIFT SAFETY  
 GENERAL FUND

22,389  
 22,389

FOR THE PERIOD BEGINNING JULY 1, 1977 AND  
 ENDING JUNE 30, 1979 THE FEES PROVIDED FOR IN  
 RSA 225A115 SHALL BE INCREASED BY 100%.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 DIVISION OF SAFETY SERVICES  
 GENERAL FUND  
 TOTAL

475,555

469,960

475,555

469,960

475,555

469,960

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 05 DIVISION OF STATE POLICE  
 01 DIV OF ST POLICE - COMM SECT

10 PERMANENT PERSONAL SERVICES  
 19 HOLIDAY PAY  
 20 CURRENT EXPENSES  
 25 OPERATION OF SAFETY BUILDING  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

108,016  
 690  
 40,740  
 3,356  
 78,770  
 5,000  
 16,593  
 12,492

104,105  
 759  
 43,107  
 3,356  
 49,785  
 5,000  
 16,023  
 13,241  
 350

## TOTAL

265,663

235,727

ESTIMATED SOURCE OF FUNDS FOR  
 DIV OF ST POLICE - COMM SECT  
 02 PUBLIC WORKS & HIGHWAY  
 GENERAL FUND  
 TOTAL

252,380  
 13,283  
 265,663

223,941  
 11,786  
 235,727

ACTUAL COSTS SHALL BE CHARGED AND CREDITED TO THE HIGHWAY FUND FOR SERVICES PERFORMED FOR ALL STATE DEPARTMENTS, AGENCIES, COUNTIES, CITIES AND TOWNS, EXCLUDING ONLY EQUIPMENT FROM SUCH STATE DEPARTMENTS, AGENCIES, COUNTIES, CITIES AND TOWNS SUPPORTED BY THE HIGHWAY FUND. SUCH CHARGES SHALL BE SUFFICIENTLY HIGH TO DEPRAY ALL COSTS INVOLVED INCLUDING LABOR OVERHEAD AND PARTS AT REPLACEMENT COST SO THAT THERE IS NO EXPENSE OF THE HIGHWAY FUND. DISTRIBUTION OF COST RECOVERIES SHALL BE 95% UNRESTRICTED HIGHWAY FUND AND 5% GENERAL FUND.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 05 DIVISION OF STATE POLICE  
 02 DETECTIVE BUREAU

10 PERMANENT PERSONAL SERVICES  
 19 HOLIDAY PAY  
 20 CURRENT EXPENSES  
 21 STATE POLICE EVIDENCE ACCOUNT  
 25 OPERATION OF SAFETY BUILDING  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

556,730  
 19,609  
 26,280  
 7,000  
 37,706  
 56,830  
 1,400  
 86,532  
 52,710  
 4,014

541,509  
 21,569  
 27,856  
 7,000  
 37,706  
 64,895  
 1,400  
 84,544  
 54,262  
 4,200

## TOTAL

848,811

844,941



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 05 DIVISION OF STATE POLICE (CONT.)  
 02 DETECTIVE BUREAU

ESTIMATED SOURCE OF FUNDS FOR		
DETECTIVE BUREAU	806,370	802,594
02 HIGHWAY FUNDS	42,441	42,247
GENERAL FUND	843,811	844,341
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 05 DIVISION OF STATE POLICE  
 03 TRAFFIC BUREAU

10 PERMANENT PERSONAL SERVICES	2,766,782	2,695,082
11 SALARY OF DIRECTOR	21,632	20,831
19 HOLIDAY PAY	195,958	116,553
20 CURRENT EXPENSES	190,732	200,056
25 OPERATION OF SAFETY BUILDING	10,174	10,174
30 EQUIPMENT	343,405	367,325
50 OTHER PERSONAL SERVICES	1,634	1,700
60 BENEFITS	434,253	425,120
70 IN-STATE TRAVEL	475,000	475,000
80 OUT-OF-STATE TRAVEL	700	700
90 AMMUNITIONS	20,770	20,770
91 AUXILIARY POLICE	16,000	16,000
92 TRAINING DOGS	3,706	3,928
93 NCTC	4,770	5,056
94 VIDEO AND RECORDING TAPE	530	562
95 IN-SERVICE TRAINING	9,500	10,112
TOTAL	4,405,586	4,363,369

ESTIMATED SOURCE OF FUNDS FOR		
TRAFFIC BUREAU	3,733,525	3,703,672
02 HIGHWAY	257,727	255,643
06 CENTRAL TURNPIKE	114,105	113,182
07 BLUE STAR MEMORIAL TURNPIKE	88,727	88,172
08 SPAULDING TURNPIKE	35,000	35,000
09 SALE OF SURPLUS AUTOS	196,502	134,900
GENERAL FUND	4,405,586	4,369,969
TOTAL		

THE COMMISSIONER OF SAFETY SHALL REPLACE  
 TROOPERS AT HEADQUARTERS AND DIVISION OFFICES  
 WITH CLERKS WHENEVER POSSIBLE.

TOTAL

5,520,060

5,450,637

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 20 DEPARTMENT OF SAFETY (CONT.)  
 05 DIVISION OF STATE POLICE (CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
 DIVISION OF STATE POLICE  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

252,226  
 5,267,834  
 5,520,060  
 248,933  
 5,201,704  
 5,450,637

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 06 STATE OVERHEAD CHARGES

26 INDIRECT COSTS

E

225,348

150,144

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 STATE OVERHEAD CHARGES  
 02 PUBLIC WORK & HIGHWAY  
 TOTAL

225,348  
 225,348  
 225,348  
 160,144  
 160,144  
 160,144

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 20 DEPARTMENT OF SAFETY  
 07 DEPT OF SAFETY DEBT SERVICE

90 PRINCIPAL AND INTEREST

225,006

425,006

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 DEPT OF SAFETY DEBT SERVICE  
 02 PUBLIC WORK & HIGHWAY  
 TOTAL

225,006  
 225,006  
 225,006  
 425,006  
 425,006  
 425,006

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 DEPARTMENT OF SAFETY  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

11,506,206  
 11,441,410  
 778,332  
 10,727,874  
 11,506,206  
 11,441,410  
 10,672,837  
 11,441,410

CLASS 19 INCLUDED IN THIS TOTAL APPROPRIATION  
 SHALL BE USED ONLY FOR PAYMENT OF HOLIDAY PAY

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
20 DEPARTMENT OF SAFETY (CONT.)

FOR PERMANENT CLASSIFIED EMPLOYEES. THE DEPARTMENT SHALL SUBMIT TO THE COMPTROLLER IN THE MANNER AND FORM PRESCRIBED BY HIM A REPORT OF ACTUAL HOLIDAY TIME. NO TRANSFERS MAY BE MADE FROM THE SALARY ADJUSTMENT FUND TO THE CLASS 19 HOLIDAY PAY ACCOUNT AND ANY BALANCE IN CLASS 19 AT THE END OF THE YEAR SHALL LAPSE.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
21 STATE PRISON  
01 ADMINISTRATION

10 PERMANENT PERSONAL SERVICES			
11 SALARY OF WARDEN	53,137		51,864
20 CURRENT EXPENSES	24,590		23,579
30 EQUIPMENT	13,650		13,650
50 OTHER PERSONAL SERVICES	5,685		
60 BENEFITS	4,000		4,000
70 IN-STATE TRAVEL	11,893		11,565
80 OUT-OF-STATE TRAVEL	1,200		1,200
	1,000		1,000
TOTAL	115,155		106,958
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION			
GENERAL FUND	115,155		106,958
TOTAL	115,155		106,958

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
21 STATE PRISON  
02 AGRICULTURE

10 PERMANENT PERSONAL SERVICES			
20 CURRENT EXPENSES	25,565		25,761
30 EQUIPMENT	45,000		47,000
60 BENEFITS	8,050		14,900
90 INMATE WAGES	3,835		3,864
91 BUTCHERING, CURING, ETC FEES	5,500		5,500
	3,000		3,100
TOTAL	90,950		100,125
ESTIMATED SOURCE OF FUNDS FOR AGRICULTURE			
01 TRANSFER OF FARM PRODUCE	50,400		55,000

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 21 STATE PRISON (CONT.)  
 02 AGRICULTURE (CONT.)

06 AGENCY INCOME	1,965	
09 SALE OF FARM PRODUCE	34,250	
GENERAL FUND	4,335	
TOTAL	90,950	1,965 38,800 4,360 100,125

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 21 STATE PRISON  
 03 CUSTODIAL CARE

10 PERMANENT PERSONAL SERVICES	1,219,994	1,133,538
11 SALARY OF DEPUTY WARDEN	20,719	19,952
20 CURRENT EXPENSES	105,200	107,300
21 FOOD	270,000	274,000
30 EQUIPMENT	3,660	960
50 OTHER PERSONAL SERVICES	70,000	70,000
60 BENEFITS	190,202	187,018
70 IN-STATE TRAVEL	100	100
80 OUT-OF-STATE TRAVEL	300	300
90 AMAROS - GATE MONEY	15,000	17,000
91 CUSTODY OF CERTAIN INMATES	16,425	17,000
92 INMATE WAGES	55,000	58,000

\* IN THIS APPROPRIATION \$50,400 IN F.Y. 78 AND \$55,000 IN F.Y. 79 SHALL BE FOR PRODUCTS USED FROM THE INSTITUTION'S FARM, AND NO PART OF THIS AMOUNT SHALL BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE, THE INSTITUTION'S FARM SHALL RECEIVE CREDIT FOR ALL PRODUCTS USED EVEN THOUGH IN EXCESS OF \$44,635 FOR 1978 AND \$43,125 FOR 1979.

\*\* THIS APPROPRIATION SHALL BE AVAILABLE FOR THE CUSTODY OF UNMANAGEABLE INMATES IN OUT OF STATE INSTITUTIONS OR FEDERAL PENITENTIARIES WHEN NO SUITABLE INSTITUTION EXISTS IN NEW HAMPSHIRE. ANY PAYMENTS OUT OF THIS APPROPRIATION SHALL BE MADE WITH APPROVAL OF THE GOVERNOR AND COUNCIL. THIS FUND MAY ALSO BE USED FOR SUCH INMATES WHO HAVE BEEN SENT TO SUCH OUT OF STATE INSTITUTIONS FROM THE LACONIA STATE SCHOOL AND THE NEW HAMPSHIRE HOSPITAL. NO PART OF THIS APPROPRIATION SHALL BE TRANSFERRED TO ANY OTHER APPROPRIATION OR EXPENDED FOR ANY OTHER



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 21 STATE PRISON (CONT.)  
 03 CUSTODIAL CARE (CONT.)

PURPOSE.

TOTAL			1,951,168
ESTIMATED SOURCE OF FUNDS FOR			
CUSTODIAL CARE			
GENERAL FUND			1,951,168
TOTAL			1,951,168

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 21 STATE PRISON  
 04 OPERATION & MAINTENANCE PLANT

10 PERMANENT PERSONAL SERVICES	89,281		87,372
20 CURRENT EXPENSES	35,000		30,000
21 FUEL AND UTILITIES	130,000	A	135,000
30 EQUIPMENT	10,495		2,950
50 OTHER PERSONAL SERVICES	13,000		3,000
60 BENEFITS	13,568		13,282
90 MAINTENANCE REPAIRS	26,500		
TOTAL			271,604

ESTIMATED SOURCE OF FUNDS FOR			
OPERATION & MAINTENANCE PLANT			
GENERAL FUND			271,604
TOTAL			271,604

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 21 STATE PRISON  
 05 PRISON INDUSTRIES

10 PERMANENT PERSONAL SERVICES	130,355		128,609
21 MATERIALS FOR MANUFACTURING	145,000		145,000
23 UTILITIES AND SUPPLIES	20,000	A	20,000
30 EQUIPMENT	8,500		1,825
50 OTHER PERSONAL SERVICES	1,200		1,300
60 BENEFITS	19,623		19,367
90 INMATE WAGES	23,910	A	27,910
TOTAL			344,011

ESTIMATED SOURCE OF FUNDS FOR			
PRISON INDUSTRIES			
09 PRISON INDUSTRIES INCOME			390,000
GENERAL FUND			45,989-
TOTAL			344,011

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 21 STATE PRISON (CONT.)  
 05 PRISON INDUSTRIES (CONT.)

\*  
 REVENUE IN EXCESS OF ESTIMATES MAY BE SPENT IN  
 CLASSES WHICH ARE AFFECTED BY INCREASED COSTS  
 OF EARNING REVENUE WITH PRIOR APPROVAL OF  
 GOVERNOR AND COUNCIL.

TOTAL

348,588

344,011

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 21 STATE PRISON  
 06 TREATMENT

10 PERMANENT PERSONNEL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 59 FULL TIME TEMPORARY  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 93 OUTSIDE MEDICAL SERVICES

323,168  
 42,000  
 4,085  
 19,459  
 16,731  
 52,123  
 125  
 25  
 20,000

318,948  
 42,000  
 1,500  
 19,818  
 17,532  
 51,531  
 125  
 25  
 22,000

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 TREATMENT  
 GENERAL FUND  
 TOTAL

477,716

473,577

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 21 STATE PRISON  
 08 HALF WAY HOUSES  
 01 SHEA FARM HALFWAY HOUSE

10 PERMANENT PERSONNEL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 93 OUTSIDE MEDICAL SERVICES

74,771  
 12,529  
 5,150  
 20,000  
 12,386  
 1,000  
 500

78,557  
 13,629  
 23,000  
 12,954  
 1,124  
 500

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 SHEA FARM HALFWAY HOUSE

126,496

125,764

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 21 STATE PRISON (CONT.)  
 08 HALFWAY HOUSES (CONT.)  
 01 SHEA FARM HALFWAY HOUSE (CONT.)

GENERAL FUND	126,496		126,764
TOTAL	126,496		126,764
 TOTAL		126,496	126,764
ESTIMATED SOURCE OF FUNDS FOR			
HALFWAY HOUSES	126,496		126,764
GENERAL FUND	126,496		126,764
TOTAL			
 TOTAL	3,433,149		3,374,207
ESTIMATED SOURCE OF FUNDS FOR			
STATE PRISON			
GENERAL FUND	2,996,534		2,888,442
OTHER FUNDS	436,615		485,765
TOTAL	3,433,149		3,374,207
 TOTAL			
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION			
22 N H YOUTH DEVELOPMENT CENTER			
01 ADMINISTRATION			
10 PERMANENT PERSONNEL SERVICES	53,142		51,576
11 SALARY OF SUPERINTENDENT	22,842		21,996
12 DEPUTY SUPERINTENDENT	18,319		17,371
20 CURRENT EXPENSES	10,552		10,300
30 EQUIPMENT	650		650
59 FULL TIME TEMPORARY	6,868		7,143
60 BENEFITS	15,133		14,712
70 IN-STATE TRAVEL	457		484
80 OUT-OF-STATE TRAVEL	360		380
90 WORK STUDY PROGRAMS	1,000		1,000
TOTAL	129,043		126,212
ESTIMATED SOURCE OF FUNDS FOR			
ADMINISTRATION	129,043		126,212
GENERAL FUND	129,043		126,212
TOTAL			

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
22 N H YOUTH DEVELOPMENT CENTER  
02 CUSTODIAL CARE

10 PERMANENT PERSONAL SERVICES

20 CURRENT EXPENSES

22 FOOD A

30 EQUIPMENT

50 OTHER PERSONAL SERVICES

60 BENEFITS

TOTAL

ESTIMATED SOURCE OF FUNDS FOR

CUSTODIAL CARE

09 AGENCY INCOME

GENERAL FUND

TOTAL

96,920  
17,500  
115,000  
4,700  
3,000  
14,714

34,065  
18,800  
115,000  
4,862  
2,700  
14,268

251,834

250,695

83,000

83,000

168,834

167,695

251,834

250,695

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
22 N H YOUTH DEVELOPMENT CENTER  
03 OPERATION & MAINTENANCE

10 PERMANENT PERSONNEL SERVICES

20 CURRENT EXPENSES

23 FUEL A

30 EQUIPMENT

50 OTHER PERSONNEL SERVICES

60 BENEFITS

96 MAINTENANCE OWN FORCES

97 MAINTENANCE CONTRACT

TOTAL

ESTIMATED SOURCE OF FUNDS FOR

OPERATION & MAINTENANCE

GENERAL FUND

TOTAL

118,325  
53,900  
80,100  
2,500  
6,000  
18,100  
10,000  
33,000

113,956  
57,500  
83,500  
3,000  
5,000  
17,444

321,925

280,400

321,925

280,400

321,925

280,400

SUCH SUMS AS MAY BE REQUIRED FOR THE CUSTODY  
OF CERTAIN INMATES SHALL BE TRANSFERRED FROM  
THE EMERGENCY FUND UPON APPROVAL BY THE  
GOVERNOR AND COUNCIL.



## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

## 22 N. H. YOUTH DEVELOPMENT CENTER

## 04 PROFESSIONAL CARE &amp; TREATMENT

## 01 REHABILITATIVE PROGRAMS

## 10 PERMANENT PERSONAL SERVICES

## 20 CURRENT EXPENSES

## 21 BOYS &amp; GIRLS BENEFIT FUND

## 30 EQUIPMENT

## 50 OTHER PERSONAL SERVICES

## 53 FULL TIME TEMPORARY

## 60 BENEFITS

## 70 IN-STATE TRAVEL

## 80 OUT-OF-STATE TRAVEL

## 90 WORK STUDY PROGRAM

## 95 MEDICAL SERVICES

A

## TOTAL

## ESTIMATED SOURCE OF FUNDS FOR

## REHABILITATIVE PROGRAMS

## 06 AGENCY INCOME

## GENERAL FUND

## TOTAL

## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

## 22 N. H. YOUTH DEVELOPMENT CENTER

## 04 PROFESSIONAL CARE &amp; TREATMENT

## 02 EDUCATION DEPT PROGRAMS

## 90 DEPT OF EDUCATION FUNDS

## 91 INDIRECT COSTS

E

## TOTAL

## ESTIMATED SOURCE OF FUNDS FOR

## EDUCATION DEPT PROGRAMS

## 01 OTHER AGENCY FUNDS

## TOTAL

## 02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

## 22 N. H. YOUTH DEVELOPMENT CENTER

## 04 PROFESSIONAL CARE &amp; TREATMENT

## 03 RESIDENTIAL CENTERS

## 20 CURRENT EXPENSES

## 22 FOOD

## 23 FUEL

## 50 OTHER PERSONNEL SERVICES

## 53 FULL TIME TEMPORARY

## 60 BENEFITS

## 90 INDIRECT COSTS

E

## TOTAL

873,371  
38,050  
8,500  
7,590  
106,700  
106,700  
8,519  
138,526  
700  
250  
3,650  
12,700

1,198,506

1,174,248

7,500  
1,191,006  
1,198,506

7,500  
1,106,748  
1,174,248

122,487  
5,513

128,000

138,000

132,143  
5,857

128,000  
128,000

139,000  
138,000

6,000  
10,000  
1,000  
2,000  
63,608  
9,658  
9,227

101,493

95,194

6,365  
10,600  
1,060  
2,000  
66,132  
10,037

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 22 N H YOUTH DEVELOPMENT CENTER (CONT.)  
 04 PROFESSIONAL CARE & TREATMENT (CONT.)  
 03 RESIDENTIAL CENTERS (CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
 RESIDENTIAL CENTERS  
 04 CRIME COMMISSION FUNDS  
 GENERAL FUND  
 TOTAL

82,493  
 19,000  
 101,493

35,194  
 95,194

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 PROFESSIONAL CARE & TREATMENT  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

1,427,999

1,408,442

1,210,006  
 217,993  
 1,427,999

1,262,942  
 105,500  
 1,408,442

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 22 N H YOUTH DEVELOPMENT CENTER  
 05 PAROLE

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 59 FULL TIME TEMPORARY  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 MEDICAL SERVICES  
 91 WORK STUDY PROGRAMS  
 A

93,511  
 6,100  
 3,850  
 55,153  
 22,300  
 16,400  
 200  
 2,000  
 1,000

90,121  
 5,200  
 55,496  
 21,842  
 17,400  
 210  
 2,000  
 1,000

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 PAROLE  
 GENERAL FUND  
 TOTAL

200,514

194,269

200,514  
 200,514

194,269  
 194,269

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 22 N H YOUTH DEVELOPMENT CENTER  
 06 CRIME COMMISSION GRANTS

90 CONT. REMEDIAL EO.  
 91 INDIRECT COSTS  
 92 INTAKE, CLASS AND DIAGNOSIS  
 E

3,015  
 3,736  
 46,500

3,015  
 3,736  
 46,500

TOTAL

53,251

53,251

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 22 N. YOUTH DEVELOPMENT CENTER (CONT.)  
 06 CRIME COMMISSION GRANTS (CONT.)

ESTIMATED SOURCE OF FUNDS FOR		
CRIME COMMISSION GRANTS	53,251	53,251
04 CRIME COMMISSION FUNDS	53,251	53,251
TOTAL		
TOTAL	2,384,566	2,313,269
ESTIMATED SOURCE OF FUNDS FOR		
N. YOUTH DEVELOPMENT CENTER	2,030,322	2,031,518
GENERAL FUND	354,244	281,751
OTHER FUNDS	2,384,566	2,313,269
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 23 POLICE STANDARDS AND TRAINING COUNCIL  
 01 POLICE STAND & TRAIN CNCL

10 PERMANENT PERSONAL SERVICES	30,302	29,529
11 DIRECTOR	19,140	18,431
20 CURRENT EXPENSES	3,870	4,102
30 EQUIPMENT	150	150
59 FULL TIME TEMPORARY		11,511
60 BENEFITS	7,416	8,936
70 IN-STATE TRAVEL	1,166	1,235
80 OUT-OF-STATE TRAVEL	371	393
TOTAL	62,415	74,387
ESTIMATED SOURCE OF FUNDS FOR		
POLICE STAND & TRAIN CNCL	62,415	74,387
GENERAL FUND	62,415	74,387
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 23 POLICE STANDARDS AND TRAINING COUNCIL  
 02 CRIME COMMISSION & HWY SAFETY GRANTS  
 01 CRIME COMMISSION

90 RECRUIT ACADEMY	79,323	79,323
91 INDIRECT COSTS	26,054	26,534
92 IN SERVICE TRAINING	3,314	5,857
93 CORRECTIONAL TRAINING	24,983	24,983
94 JUVENILE OFFICER TRAINING	37,750	37,750
TOTAL	171,624	174,447

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 23 POLICE STANDARDS AND TRAINING COUNCIL (CONT.)  
 02 CRIME COMMISSION & HWY SAFETY GRANTS (CONT.)  
 01 CRIME COMMISSION (CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
 CRIME COMMISSION  
 04 CRIME COMMISSION FUNDS  
 TOTAL

171,624 174,647  
 171,624 174,647

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 23 POLICE STANDARDS AND TRAINING COUNCIL  
 02 CRIME COMMISSION & HWY SAFETY GRANTS  
 02 HIGHWAY SAFETY

90 TRAINING PROGRAMS  
 91 TRAFFIC TRAINING SPECIALIST  
 92 INDIRECT COSTS

12,672  
 30,008  
 7,320

E

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 HIGHWAY SAFETY  
 01 OTHER AGENCY FUNDS  
 TOTAL

50,000 50,000  
 50,000 50,000  
 50,000 50,000

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 CRIME COMMISSION & HWY SAFETY GRANTS  
 OTHER FUNDS  
 TOTAL

221,624 224,447  
 221,624 224,447  
 221,624 224,447

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 POLICE STANDARDS AND TRAINING COUNCIL  
 GENERAL FUND  
 OTHER FUNDS  
 TOTAL

284,039 298,834  
 52,415 74,387  
 221,624 224,447  
 284,039 298,834

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
 24 PAROLE BOARD  
 01 PAROLE BOARD

10 PERMANENT PERSONAL SERVICES  
 11 SALARY OF PAROLE OFFICER  
 20 CURRENT EXPENSES  
 30 EQUIPMENT

57,449 57,994  
 18,477 17,793  
 8,372 8,372  
 3,560 3,610



02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 24 PAROLE BOARD (CONT.)  
 01 PAROLE BOARD

50 OTHER PERSONAL SERVICES	1,350		
60 BENEFITS	11,468		1,350
70 IN-STATE TRAVEL	4,050		11,468
80 OUT-OF-STATE TRAVEL	200		4,050
TOTAL		104,926	200
ESTIMATED SOURCE OF FUNDS FOR			102,716
PAROLE BOARD			
GENERAL FUND		104,926	102,716
TOTAL			102,716
TOTAL		104,926	102,716
ESTIMATED SOURCE OF FUNDS FOR			
PAROLE BOARD			
GENERAL FUND		104,926	102,716
TOTAL		104,926	102,716
TOTAL	37,535,442		37,101,513
ESTIMATED SOURCE OF FUNDS FOR			
ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION			
FEDERAL FUNDS	416,356		396,486
GENERAL FUND	21,936,065		21,461,807
OTHER FUNDS	15,270,041		15,242,860
TOTAL	37,535,442		37,101,513

03 RESOURCE PROTECTION AND DEVELOPMENT

01 FISH AND GAME DEPARTMENT			
01 FISH RESOURCES			
01 FISH & GAME INLAND FISHERIES			
10 PERMANENT PERSONAL SERVICES	629,924		611,703
20 CURRENT EXPENSES	265,965		256,330
30 EQUIPMENT	19,900		30,000
50 OTHER PERSONAL SERVICES	4,460		4,460
60 BENEFITS	94,750		92,316
70 IN-STATE TRAVEL	4,800		4,800
80 OUT-OF-STATE TRAVEL	500		500
81 OUT-OF-STATE TRAVEL	1,500		1,500
90 ANADROMOUS FISH CONTRACT	10,000		10,000
91 AERIAL STOCKING CONTRACT	2,500		2,500
92 BASS STUDY PROGRAM	23,000		24,000
94 LIBRARY CONTRACT	1,000		1,200
95 FEDERAL AID - MILFORD	20,000		20,000

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 01 FISH RESOURCES  
 01 FISH & GAME INLAND FISHERIES

(CONT.)  
 (CONT.)  
 (CONT.)  
 (CONT.)

\* POSITION #150, FISH CULTURIST I, SHALL NOT BE FUNDED FOR THE BIENNIIUM.

\*\* THIS APPROPRIATION MAY BE USED FOR OUT OF STATE TRAVEL RELATIVE TO FEDERAL PROJECTS PROVIDING THAT 75% MATCHING FUNDS ARE AVAILABLE FROM FEDERAL FOR SUCH PURPOSE.

\*\*\* THIS APPROPRIATION INCLUDES \$10,000 OF FEDERAL MATCHING FUNDS FOR THE HATCHERY OPERATIONS AND SHALL NOT BE TRANSFERRED OR USED FOR ANY OTHER PURPOSE.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 FISH & GAME INLAND FISHERIES  
 00 FEDERAL FUNDS  
 08 LESS MAINTENANCE REFUNDS  
 FISH AND GAME FUNDS  
 TOTAL

1,078,304

1,058,979

278,917  
 13,398  
 785,989  
 1,078,304

272,943  
 13,398  
 776,556  
 1,058,979

THIS AMOUNT INCLUDES THE FUNDING FOR THE OPERATIONS AND MAINTENANCE OF THE MILFORD AND COLEBROOK HATCHERIES.

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 01 FISH RESOURCES  
 02 MARINE FISHERIES

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 91 COHO SALMON PROJECT  
 92 ATLANTIC ST MARINE FISHERIES

30,950  
 13,900  
 7,700  
 4,643  
 850  
 1,550  
 50,000  
 23,000

29,866  
 13,900  
 3,100  
 4,480  
 850  
 1,550  
 50,000  
 23,000

\*  
 A

03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)  
 01 FISH AND GAME DEPARTMENT (CONT.)  
 01 FISH RESOURCES (CONT.)  
 02 MARINE FISHERIES (CONT.)

\* THIS APPROPRIATION INCLUDES \$25,000 OF FEDERAL MATCHING FUNDS AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 MARINE FISHERIES  
 00 FEDERAL FUNDS  
 FISH AND GAME FUNDS  
 TOTAL

132,593 128,746  
 62,382 52,382  
 70,211 66,364  
 132,593 128,746

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 FISH RESOURCES  
 FEDERAL FUNDS  
 FISH AND GAME FUNDS  
 OTHER FUNDS  
 TOTAL

1,210,897 1,187,725  
 341,299 335,325  
 856,200 839,002  
 13,398 13,398  
 1,210,897 1,187,725

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 02 GAME RESOURCES  
 01 GAME RESOURCES DAMAGE

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

9,282 8,938  
 12,000 12,000  
 4,263 260  
 3,003 3,000  
 1,568 1,517  
 200 200  
 50 50

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 GAME RESOURCES DAMAGE  
 FISH AND GAME FUNDS  
 TOTAL

30,360 25,965  
 30,360 25,965  
 30,360 25,965

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 02 GAME RESOURCES  
 02 MANAGEMENT & RESEARCH

10 PERMANENT PERSONAL SERVICES	*	190,903	184,548
20 CURRENT EXPENSES		20,000	20,000
30 EQUIPMENT		7,000	8,000
50 OTHER PERSONAL SERVICES	**	300	300
51 OTHER PERSONAL SERVICES		1,500	1,500
60 BENEFITS		28,741	27,788
70 IN-STATE TRAVEL		1,200	1,200
80 OUT-OF-STATE TRAVEL		500	500
90 COOPERATIVE MATERIALS- BANDING	0	2,060	2,060
91 COMPUTER SERVICES		800	800
92 LIBRARY SERVICE		6,750	800
93 ECON SURVEY-HUNTING & FISHING			6,875
94 MONT PRESSURE & HARVEST QUEST		4,052	11,000
96 LAKE FRANCIS RENTAL		11,000	4,052
97 UNH & DARTMOUTH PROJECTS		37,000	
99 PHEASANTS	***		37,000

\* POSITION NUMBERS 18,13,20,41, AND 179 SHALL NOT BE FUNDED FOR THE BIENNIIUM.

\*\* THIS APPROPRIATION SHALL BE USED FOR TEMPORARY HELP AT THE GAME FARM AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

\*\*\* THE FUNDS IN THIS APPROPRIATION SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE AND SHALL NOT LAPSE.

TOTAL	312,606	305,423
ESTIMATED SOURCE OF FUNDS FOR		
MANAGEMENT & RESEARCH		
00 FEDERAL FUNDS	190,960	196,058
07 AGENCY INCOME	37,000	37,000
08 LESS MAINTENANCE REFUNDS	932	932
FISH AND GAME FUNDS	83,714	72,433
TOTAL	312,606	306,423

REVENUE FROM THE SALE OF PHEASANT STAMPS IN EXCESS OF \$37,000 SHALL BE ADDED TO CLASS 99 AND IS HEREBY APPROPRIATED AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.



03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)  
 01 FISH AND GAME DEPARTMENT (CONT.)  
 02 GAME RESOURCES (CONT.)  
 02 MANAGEMENT & RESEARCH (CONT.)

ANY SHORTFALL IN THIS ESTIMATED REVENUE\* SHALL  
 BE A CHARGE AGAINST THE EXISTING PHEASANT  
 STAMP FUND.

TOTAL	342,966	332,388
ESTIMATED SOURCE OF FUNDS FOR		
GAME RESOURCES	190,960	196,058
FEDERAL FUNDS	114,074	98,398
FISH AND GAME FUNDS	37,932	37,932
OTHER FUNDS	342,966	332,388
TOTAL		

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 03 LAW ENFORCEMENT  
 01 LAW ENFORCEMENT DISTRICTS 1-5

10 PERMANENT PERSONAL SERVICES	557,954	540,613
18 HAZARD PAY	2,050	2,050
19 HOLIDAY PAY	22,742	22,842
20 CURRENT EXPENSES	59,000	63,000
30 EQUIPMENT	79,000	91,020
60 BENEFITS	87,412	84,826
70 IN-STATE TRAVEL	65,000	63,000
71 EMERGENCY SEARCH & RESCUE MEALS	500	500
80 OUT-OF-STATE TRAVEL	250	250
90 ACCRUED LIABILITY	14,891	14,891

\*  
 POSITION NUMBERS 35,60, AND 90 SHALL NOT BE  
 FUNDED FOR THE BIENNIUM.

TOTAL	888,799	873,992
ESTIMATED SOURCE OF FUNDS FOR		
LAW ENFORCEMENT DISTRICTS 1-5	176,693	176,593
01 TRANSFER PAYMENTS - GENERAL FU	712,106	713,299
FISH AND GAME FUNDS	888,799	879,992
TOTAL		

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 03 LAW ENFORCEMENT  
 02 LAW ENFORCEMENT DISTRICT 6

10 PERMANENT PERSONAL SERVICES	66,808	64,892
20 CURRENT EXPENSES	6,850	7,000
30 EQUIPMENT	19,015	9,810
60 BENEFITS	10,021	9,734
70 IN-STATE TRAVEL	6,000	6,000

37,436

108,694

TOTAL

ESTIMATED SOURCE OF FUNDS FOR  
 LAW ENFORCEMENT DISTRICT 6  
 FISH AND GAME FUNDS

37,436

108,694

TOTAL

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 03 LAW ENFORCEMENT  
 03 LAW ENFORCEMENT ADMINISTRATION

10 PERMANENT PERSONAL SERVICES	36,437	35,089
20 CURRENT EXPENSES	4,425	4,425
30 EQUIPMENT	1	1
50 OTHER PERSONAL SERVICES	7,325	7,748
60 BENEFITS	5,895	5,716
70 IN-STATE TRAVEL	1,000	1,000
80 OUT-OF-STATE TRAVEL	550	550

54,328

55,633

TOTAL

ESTIMATED SOURCE OF FUNDS FOR  
 LAW ENFORCEMENT ADMINISTRATION  
 FISH AND GAME FUNDS

54,328

55,633

TOTAL

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 03 LAW ENFORCEMENT  
 04 OFF HIGHWAY RECREATION VEHICLE PROGRAM  
 01 OHV ENFORCEMENT

116,693

116,693

90 TRANS TO LAW ENFORCEMENT 1-5

116,693

116,693

TOTAL

ESTIMATED SOURCE OF FUNDS FOR

116,693

116,693

OHV ENFORCEMENT

116,693

116,693

01 TRANSFER FROM SAFETY

116,693

116,693

TOTAL

03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)  
 01 FISH AND GAME DEPARTMENT (CONT.)  
 03 LAW ENFORCEMENT (CONT.)  
 04 OFF HIGHWAY RECREATION VEHICLE PROGRAM (CONT.)  
 01 OHV ENFORCEMENT (CONT.)

IF THE ACTUAL REVENUE FROM OFF HIGHWAY RECREATION VEHICLE FEES IS LESS THAN ESTIMATED, THE APPROPRIATION IN THE NEXT ENSUING FISCAL YEAR, FOR THIS SECTION, SHALL BE REDUCED BY THE PROPORTIONATE AMOUNT OF SAID REVENUE SHORTFALL BETWEEN THE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT AND THE FISH AND GAME DEPARTMENT, BASED UPON THE TOTAL APPROPRIATION MADE IN EACH DEPARTMENT FOR OFF HIGHWAY RECREATION VEHICLE PROGRAM ACTIVITIES. OTHER PROVISIONS OF LAW NOTWITHSTANDING ANY FUNDS REMAINING IN THIS APPROPRIATION AT THE CLOSE OF THE FISCAL YEAR SHALL NOT LAPSE BUT SHALL BE CARRIED OVER TO THE FOLLOWING FISCAL YEAR AND BE AVAILABLE FOR EXPENDITURE WITH THE APPROVAL OF THE GOVERNOR AND COUNCIL.

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 03 LAW ENFORCEMENT  
 04 OFF HIGHWAY RECREATION VEHICLE PROGRAM  
 02 EDUCATION AND TRAINING

20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONNEL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 98 OTHER EXPENDITURES  
 99 TRANS TO INFORMATION AND EDUCATION

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 EDUCATION AND TRAINING  
 01 TRANSFER FROM SAFETY  
 TOTAL

10,176  
 4,747  
 5,300  
 310  
 15,500  
 600  
 4,000  
 22,674

63,307

53,307

63,307  
 63,307

53,307  
 53,307

NO FUNDS FROM THIS DIVISION SHALL BE TRANSFERRED OR EXPENDED FOR LAW ENFORCEMENT. THIS APPROPRIATION IS FOR OHV SAFETY TRAINING PROGRAMS AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE. ANY SHORTFALLS IN OHV REVENUE MAY BE REFLECTED IN THE

03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)  
01 FISH AND GAME DEPARTMENT (CONT.)  
03 LAW ENFORCEMENT (CONT.)  
04 OFF HIGHWAY RECREATION VEHICLE PROGRAM (CONT.)  
02 EDUCATION AND TRAINING (CONT.)

REDUCTION IN THE TRANSFER TO LAW ENFORCEMENT  
REPRESENTING THE ABSORBING OF 182 OVERHEAD BY  
THE FISH AND GAME DEPARTMENT.

IF THE ACTUAL REVENUE FROM OFF HIGHWAY  
RECREATION VEHICLE FEES IS LESS THAN ESTIMATED,  
THE APPROPRIATION IN THE NEXT ENSUING FISCAL  
YEAR, FOR THIS SECTION, SHALL BE REDUCED BY THE  
PROPORTIONATE AMOUNT OF SAID REVENUE SHORTFALL  
BETWEEN THE DEPARTMENT OF RESOURCES AND  
ECONOMIC DEVELOPMENT AND THE FISH AND GAME  
DEPARTMENT, BASED UPON THE TOTAL APPROPRIATION  
MADE IN EACH DEPARTMENT FOR OFF HIGHWAY REC-  
REATION VEHICLE PROGRAM ACTIVITIES. OTHER  
PROVISIONS OF LAW NOTWITHSTANDING ANY FUNDS  
REMAINING IN THIS APPROPRIATION AT THE CLOSE  
OF THE FISCAL YEAR SHALL NOT LAPSE BUT SHALL BE  
CARRIED OVER TO THE FOLLOWING FISCAL YEAR AND  
BE AVAILABLE FOR EXPENDITURE WITH THE APPROVAL  
OF THE GOVERNOR AND COUNCIL.

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
LAW ENFORCEMENT  
FISH AND GAME FUNDS  
OTHER FUNDS  
TOTAL

1,233,126  
876,433  
356,693  
1,233,126

1,211,956  
855,263  
356,693  
1,211,956

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
04 ADMINISTRATION AND SUPPORT  
01 FISH & GAME COMMISSION

20 CURRENT EXPENSES  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL

100  
1,000  
25

100  
1,000  
25

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
FISH & GAME COMMISSION  
FISH AND GAME FUNDS  
TOTAL

1,125  
1,125  
1,125

1,125  
1,125  
1,125



03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 04 ADMINISTRATION AND SUPPORT  
 02 OFFICE OF DIRECTOR

10 PERMANENT PERSONAL SERVICES			
11 SALARY OF DIRECTOR	9,282		8,954
60 BENEFITS	21,240		21,240
70 IN-STATE TRAVEL	4,578		4,529
80 OUT-OF-STATE TRAVEL	500		500
90 ACCRUED LIABILITY	300		400
	3,097		3,097
TOTAL	38,997		39,720
ESTIMATED SOURCE OF FUNDS FOR			
OFFICE OF DIRECTOR			
FISH AND GAME FUNDS	38,997		38,720
TOTAL	38,997		38,720

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 04 ADMINISTRATION AND SUPPORT  
 03 INFORMATION & EDUCATION

10 PERMANENT PERSONAL SERVICES			
20 CURRENT EXPENSES	42,104		42,612
30 EQUIPMENT	39,880		45,570
50 OTHER PERSONAL SERVICES	160		3,830
59 FULL TIME TEMPORARY	3,800		11,660
60 BENEFITS	11,089		8,363
70 IN-STATE TRAVEL	8,200		1,750
80 OUT-OF-STATE TRAVEL	1,500		740
90 HUNTER SAFETY PROGRAM	510		15,194
	12,927		
	A		

\* THE POSITION OF EDUCATION INSTRUCTOR SHALL NOT  
 BE ELIGIBLE FOR GROUP II RETIREMENT.

TOTAL	120,270		130,589
ESTIMATED SOURCE OF FUNDS FOR			
INFORMATION & EDUCATION			
00 FEDERAL FUNDS	20,886		23,320
01 OTHER AGENCY FUNDS	22,674		23,655
FISH AND GAME FUNDS	76,710		83,714
TOTAL	120,270		130,589

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 04 ADMINISTRATION AND SUPPORT  
 04 MAINTENANCE & CONSTRUCTION

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL

144,206  
 48,000  
 5,155  
 2,500  
 21,777  
 5,000  
 700

140,124  
 48,000  
 9,300  
 2,500  
 21,165  
 5,000  
 700

\* POSITION NUMBERS 23,25,31,37, AND 181 SHALL  
 BE ABOLISHED EFFECTIVE JULY 1, 1977.  
 POSITION NUMBER 161 SHALL BE ABOLISHED WHEN  
 VACANT.

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 MAINTENANCE & CONSTRUCTION  
 00 FEDERAL FUNDS  
 FISH AND GAME FUNDS  
 TOTAL

227,338  
 40,000  
 187,338  
 227,338

226,789  
 40,000  
 186,789  
 226,789

03 RESOURCE PROTECTION AND DEVELOPMENT  
 01 FISH AND GAME DEPARTMENT  
 04 ADMINISTRATION AND SUPPORT  
 05 BUSINESS MANAGEMENT

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES  
 21 BONDING FOR STATE OFFICIALS  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 92 ACCRUED LIABILITY  
 93 ADAMS POINT  
 94 INDIRECT COSTS

176,050  
 60,000  
 200  
 300  
 800  
 26,455  
 1,225  
 620  
 6,975  
 5,000  
 49,570

170,485  
 65,000  
 200  
 150  
 900  
 25,626  
 1,225  
 650  
 6,975  
 5,000  
 50,897

\* POSITION NUMBERS 6 AND 96 SHALL BE ABOLISHED  
 EFFECTIVE JULY 1, 1976.  
 POSITION NUMBER 12 SHALL BE ABOLISHED WHEN  
 VACANT.

TOTAL

327,225

327,108

03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)  
 01 FISH AND GAME DEPARTMENT (CONT.)  
 04 ADMINISTRATION AND SUPPORT (CONT.)  
 05 BUSINESS MANAGEMENT (CONT.)

## ESTIMATED SOURCE OF FUNDS FOR

## BUSINESS MANAGEMENT

## 00 FEDERAL FUNDS

## FISH AND GAME FUNDS

## TOTAL

17,610  
 309,615  
 327,225

17,655  
 349,453  
 327,108

## TOTAL

## ESTIMATED SOURCE OF FUNDS FOR

## ADMINISTRATION AND SUPPORT

## FEDERAL FUNDS

## FISH AND GAME FUNDS

## OTHER FUNDS

## TOTAL

714,955  
 78,496  
 613,785  
 22,674  
 714,955

724,431  
 80,975  
 619,801  
 23,655  
 724,431

## TOTAL

## ESTIMATED SOURCE OF FUNDS FOR

## FISH AND GAME DEPARTMENT

## FEDERAL FUNDS

## FISH AND GAME FUNDS

## OTHER FUNDS

## TOTAL

3,501,944  
 610,755  
 2,460,492  
 430,697  
 3,501,944

3,456,500  
 612,358  
 2,442,464  
 431,678  
 3,456,500

CLASS 18 AND 19 INCLUDED IN THIS TOTAL  
 APPROPRIATION SHALL BE USED ONLY FOR PAYMENT  
 OF HAZARD DUTY PAY AND HOLIDAY PAY FOR  
 PERMANENT CLASSIFIED EMPLOYEES. THE  
 DEPARTMENT SHALL SUBMIT TO THE COMPTROLLER  
 IN THE MANNER AND FORM PRESCRIBED BY HIM A  
 REPORT OF ACTUAL HAZARD DUTY OR HOLIDAY TIME.  
 NO TRANSFERS MAY BE MADE FROM THE SALARY  
 ADJUSTMENT FUND TO THESE CLASS ACCOUNTS AND  
 ANY BALANCE AT THE END OF EACH YEAR SHALL  
 LAPSE.

03 RESOURCE PROTECTION AND DEVELOPMENT  
02 INDUSTRIAL DEVELOPMENT AUTH

10 PERMANENT PERSONAL SERVICES  
20 CURRENT EXPENSES  
30 EQUIPMENT  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL  
90 INDIRECT COST  
91 ACCOUNTING SERVICES

45,224  
7,639  
500  
6,730  
3,223  
1,589  
1,489  
2,226  
67,673  
44,865  
7,639  
6,730  
3,223  
1,589  
1,795  
2,226  
67,067

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
INDUSTRIAL DEVELOPMENT AUTH  
09 INDUSTRIAL DEVELOPMENT AUTH  
TOTAL

67,673  
67,673  
67,067  
67,067

AUTHORITY IS HEREBY GIVEN TO UTILIZE SO MUCH  
AS MAY BE NECESSARY OF ANY SURPLUS ACCUMULATED  
DURING FISCAL 1977 AND 1978 WITHIN THE AGENCY  
NOT OTHERWISE APPROPRIATED AS MAY BE SPECIF-  
ICALLY APPROVED BY THE GOVERNOR AND COUNCIL.

03 RESOURCE PROTECTION AND DEVELOPMENT  
03 RESOURCES AND ECONOMIC DEVELOPMENT  
01 ADMINISTRATION AND SUPPORT  
01 OFFICE OF COMMISSIONER

10 PERMANENT PERSONAL SERVICES  
11 SALARY OF COMMISSIONER  
20 CURRENT EXPENSES  
30 EQUIPMENT  
50 OTHER PERSONAL SERVICES  
60 BENEFITS  
70 IN-STATE TRAVEL  
80 OUT-OF-STATE TRAVEL

237,334  
26,456  
29,000  
7,579  
8,274  
40,031  
2,800  
2,000  
230,348  
25,477  
30,750  
1,529  
8,274  
58,858  
2,800  
2,000

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
OFFICE OF COMMISSIONER  
GENERAL FUND  
TOTAL

353,564  
340,036  
353,564  
340,036



03 RESOURCE PROTECTION AND DEVELOPMENT  
03 RESOURCES AND ECONOMIC DEVELOPMENT  
01 ADMINISTRATION AND SUPPORT  
02 GRAPHIC ARTS

10 PERMANENT PERSONAL SERVICES					
20 CURRENT EXPENSES	41,432				39,897
30 EQUIPMENT	15,200				15,300
60 BENEFITS	925				1,160
70 IN-STATE TRAVEL	6,215				5,985
	100				100
TOTAL	63,872				52,442
ESTIMATED SOURCE OF FUNDS FOR					
GRAPHIC ARTS					
09 GRAPHIC ARTS AND PRINTING SALE					3,000
GENERAL FUND					59,842
TOTAL					62,842

03 RESOURCE PROTECTION AND DEVELOPMENT  
03 RESOURCES AND ECONOMIC DEVELOPMENT  
01 ADMINISTRATION AND SUPPORT  
03 PRINT SHOP OPERATION

10 PERMANENT PERSONNEL SERVICES					
60 BENEFITS	77,677				75,081
90 PRINT SHOP OPERATIONS	11,652				11,262
	145,671				158,657

\* THIS APPROPRIATION SHALL NOT BE TRANSFERRED OR  
USED FOR ANY OTHER PURPOSE AND SHALL BE  
SUBJECT TO RSA 12-A(2-A) (SUPP).

TOTAL	235,000				245,000
ESTIMATED SOURCE OF FUNDS FOR					
PRINT SHOP OPERATION					
09 AGENCY INCOME					245,000
TOTAL					245,000

03 RESOURCE PROTECTION AND DEVELOPMENT  
03 RESOURCES AND ECONOMIC DEVELOPMENT  
01 ADMINISTRATION AND SUPPORT  
04 DESIGN DEVELOPMENT & MAINTENANCE

10 PERMANENT PERSONAL SERVICES					
20 CURRENT EXPENSES	169,778				164,039
30 EQUIPMENT	8,211				8,211
50 OTHER PERSONAL SERVICES	6,000				6,000
60 BENEFITS	4,128				4,128
70 IN-STATE TRAVEL	25,708				24,847
	3,200				3,300
80 OUT-OF-STATE TRAVEL	75				75

03 RESOURCE PROTECTION AND DEVELOPMENT  
 031 RESOURCES AND ECONOMIC DEVELOPMENT  
 01 ADMINISTRATION AND SUPPORT  
 04 DESIGN DEVELOPMENT & MAINTENANCE

(CONT.)  
 (CONT.)  
 (CONT.)

TOTAL	217,100	217,600
ESTIMATED SOURCE OF FUNDS FOR		
DESIGN DEVELOPMENT & MAINTENANCE		
GENERAL FUND	217,100	217,600
TOTAL	217,100	217,600

03 RESOURCE PROTECTION AND DEVELOPMENT  
 031 RESOURCES AND ECONOMIC DEVELOPMENT  
 01 ADMINISTRATION AND SUPPORT  
 05 HISTORIC PRESERVATION OFFICE

10 PERMANENT PERSONAL SERVICES	20,923	21,355
20 CURRENT EXPENSES	6,624	7,021
30 EQUIPMENT	530	562
50 OTHER PERSONAL SERVICES	7,528	7,884
59 FULL TIME TEMPORARY	7,088	7,324
60 BENEFITS	4,641	4,760
70 IN-STATE TRAVEL	2,385	2,528
80 OUT-OF-STATE TRAVEL	641	641
90 CONSULTANTS & PROFESSIONAL FEES	20,000	20,000
95 INDIRECT COSTS	2,583	2,962
E		

TOTAL	72,943	75,017
ESTIMATED SOURCE OF FUNDS FOR		
HISTORIC PRESERVATION OFFICE		
00 FEDERAL FUNDS	36,472	37,509
GENERAL FUND	36,471	37,508
TOTAL	72,943	75,017

TOTAL	942,479	933,095
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATION AND SUPPORT		
FEDERAL FUNDS	36,472	37,509
GENERAL FUND	668,007	647,586
OTHER FUNDS	238,000	248,000
TOTAL	942,479	933,095

03 RESOURCE PROTECTION AND DEVELOPMENT  
 03 RESOURCES AND ECONOMIC DEVELOPMENT  
 02 RECREATION SERVICES

10 PERMANENT PERSONAL SERVICES  
 20 CURRENT EXPENSES

30 EQUIPMENT  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 OTHER EXPENDITURES SCORP  
 91 INDIRECT COSTS

E

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 RECREATION SERVICES

00 FEDERAL FUNDS  
 GENERAL FUND  
 TOTAL

70,003  
 7,250  
 1,285  
 10,500  
 1,100  
 600  
 42,500  
 3,375

136,613

134,812

46,298  
 80,514  
 134,812

THE COMMISSIONER OF RESOURCES AND ECONOMIC  
 DEVELOPMENT SHALL APPLY TO BOR FOR RECOVERY OF  
 DIRECT AND INDIRECT COSTS APPLICABLE TO ANY  
 BOR PROJECT. ANY REVENUE RECEIVED SHALL BE  
 RECORDED AS UNRESTRICTED REVENUE.

03 RESOURCE PROTECTION AND DEVELOPMENT  
 03 RESOURCES AND ECONOMIC DEVELOPMENT  
 03 ECONOMIC DEVELOPMENT IND DEV

10 PERMANENT PERSONAL SERVICES  
 11 THREE INDUSTRIAL AGENTS

20 CURRENT EXPENSES  
 30 EQUIPMENT  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 PRINTING, BINDING AND ADV

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 ECONOMIC DEVELOPMENT IND DEV

GENERAL FUND  
 TOTAL

96,531  
 53,570  
 15,000  
 5,850  
 22,516  
 8,400  
 9,200  
 13,000

222,067

212,364

212,364  
 212,364

03 RESOURCE PROTECTION AND DEVELOPMENT  
03 RESOURCES AND ECONOMIC DEVELOPMENT  
04 ECONOMIC DEV TRAVEL PROMOTION

10 PERMANENT PERSONAL SERVICES	85,679	83,246
30 EQUIPMENT	730	775
50 OTHER PERSONAL SERVICES	2,580	2,580
60 BENEFITS	13,003	12,538
70 IN-STATE TRAVEL	800	800
80 OUT-OF-STATE TRAVEL	4,200	6,300
90 PRINTING ADV BRANCH OFFICE	300,000	300,000
91 REGIONAL ASSOCIATION	42,400	44,000

\* THE FUNDS IN THIS APPROPRIATION SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE. THIS SUM SHALL BE APPORTIONED TO THE REGIONAL ASSOCIATIONS IN THE FOLLOWING MANNER. ONE-HALF OF THE TOTAL APPROPRIATION EACH YEAR SHALL BE DIVIDED EQUALLY AMONG THE REGIONAL ASSOCIATIONS THE REMAINING ONE-HALF SHALL BE APPORTIONED TO THE REGIONAL ASSOCIATIONS ON THE BASIS OF THE RELATIVE AMOUNT THEIR LOCAL FINANCIAL SUPPORT BEARS TO THE TOTAL LOCAL SUPPORT FOR ALL SUCH REGIONAL ASSOCIATIONS.

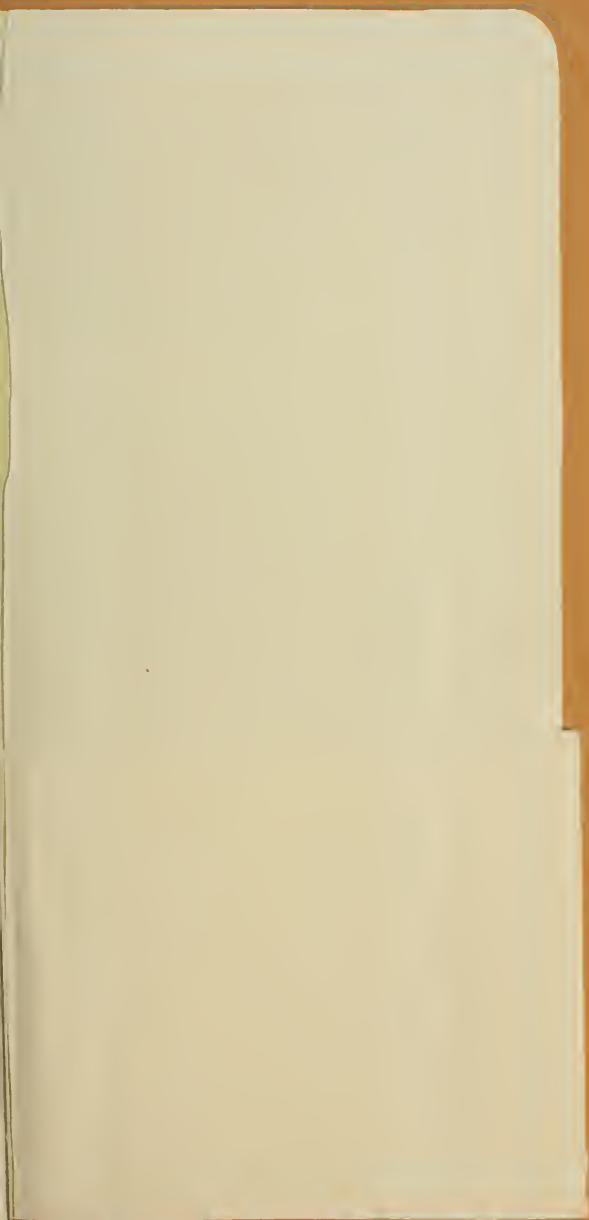
TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
ECONOMIC DEV TRAVEL PROMOTION  
GENERAL FUND  
TOTAL

449,392	448,339
449,392	448,339
449,392	448,339

03 RESOURCE PROTECTION AND DEVELOPMENT  
03 RESOURCES AND ECONOMIC DEVELOPMENT  
05 ECON DEV ADMIN & SUPPORT

10 PERMANENT PERSONAL SERVICES	26,752	25,323
11 SALARY OF DIRECTOR	22,717	21,875
20 CURRENT EXPENSES	42,000	43,000
30 EQUIPMENT	460	
50 OTHER PERSONAL SERVICES	9,300	9,200
60 BENEFITS	7,965	7,767
70 IN-STATE TRAVEL	450	450
80 OUT-OF-STATE TRAVEL	400	400
90 ECONOMIC PLANNING	7,500	7,500
91 PURCH OF PUBS AND SOUV FOR RES	11,750	11,750





03 RESOURCE PROTECTION AND DEVELOPMENT  
 03 RESOURCES AND ECONOMIC DEVELOPMENT  
 04 ECONOMIC DEV TRAVEL PROMOTION

10 PERMANENT PERSONAL SERVICES  
 30 EQUIPMENT  
 50 OTHER PERSONAL SERVICES  
 60 BENEFITS  
 70 IN-STATE TRAVEL  
 80 OUT-OF-STATE TRAVEL  
 90 PRINTING ADV BRANCH OFFICE  
 91 REGIONAL ASSOCIATION

85,679  
 730  
 2,580  
 13,003  
 800  
 4,280  
 300,000  
 42,400

83,246  
 775  
 2,580  
 12,538  
 800  
 4,300  
 300,000  
 44,000

THE FUNDS IN THIS APPROPRIATION SHALL NOT BE  
 TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.  
 THIS SUM SHALL BE ADDITIONED TO THE REGIONAL  
 INDCO APP FUND

448,339

448,339  
 448,339

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25,323  
 21,875  
 43,000

9,200  
 7,767  
 450  
 400  
 7,500  
 11,750



